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Public Administration

Understanding Management, Politics, and Law in the Public Sector

NINTH EDITION

David H. Rosenbloom, Robert S. Kravchuk and Richard M. Clerkin

ROUTLEDGE

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"At a time of immense public challenges, this updated classic masterfully coaches the next generation of public servants in the areas of management, politics, and law. The authors present balanced and thorough assessments of current issues facing public organizations, public personnel, public budgeting and finance, decision making, policy analysis, ethics, and evaluation. This is a first-rate textbook for public administration courses around the world."

Rosemary O'Leary, *University of Kansas, USA*

"I've used this text for many years and across multiple editions. Students enjoy the relevant examples and practice-oriented implications. Pedagogically, I enjoy the fact that the book is organized around one of the key theories of public administration: separation of powers. Having a theoretically informed, constitutionally based foundation on which to introduce students to public administration makes a tremendous difference. Students often ask how an MPA differs from an MBA. This book is one of the best teaching resources that I've found to not only engage this general question but also to subsequently train students in the unique and exciting practice of public service."

Robert K. Christensen, *Brigham Young University, USA*

"My graduate students always appreciate this textbook that clearly presents the perspectives and complexity of public administration based on three competing outlooks in the managerial, political, and legal horizons. This book guides students to understand what good public administration should be through a seamless balance of all three aspects. This book's compelling beauty is to offer a solid ground to students who have always struggled to define the boundaries of where public administration should be headed. Incorporating new public governance into this new edition gives students more flavors to tackle emerging and wicked public administration challenges."

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Public Administration

The ninth edition of *Public Administration: Understanding Management, Politics, and Law in the Public Sector* grounds students in the fundamentals of public administration while embracing its complexity. It describes, explains, and analyzes public administration through the lenses of three well-established perspectives: management, politics, and law. In addition to thoroughly refreshed examples and case studies, significant updates to this new edition include the following:

- The discussion of management has been collapsed into a single category, contemporary public management, to better reflect the blending of traditional/orthodox and new public management approaches in the field.
- Significant changes to federal administration initiated by the Trump administration, the emergence of "hyper-" partisanship, major court decisions affecting public administration, and newer scholarship and foci in public administration.
- A thoroughly rewritten chapter on budgeting and public finance.
- New public governance material is incorporated throughout the book, including collaborative models for coordinating administration with private organizations, particularly nonprofits.
- Additional attention is paid to public participation in public administration, including public administration's potential contribution to strengthening democratic citizenship.
- Thorough discussion of the latest managerial techniques and concepts as well as the contemporary performance orientation in the public sector.

Together these revisions reinvigorate the book yet retain its core structure, ideas, and familiarity for students and instructors alike. While the new edition retains its focus on the U.S. context, the focus on managerial, legislative, and judicial functions lends itself well to public administration in many developed nations, making the book a popular choice with instructors around the globe. This time-tested and fully up-to-date textbook is required reading for all students of public administration, public management, and nonprofit management.

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Public Administration

Understanding Management, Politics, and Law in the Public Sector

NINTH EDITION

DAVID H. ROSENBLOOM,
ROBERT S. KRAVCHUK AND
RICHARD M. CLERKIN

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PREFACE

Welcome to our ninth edition! Our new edition is thoroughly refreshed and brings several major changes. First, we are now happily published by Routledge, which has an outstanding list in public administration and public policy. Second, while the book retains the "three competing perspectives" model of public administration as comprised of approaches based in management, politics/policy, and law, we no longer separate our treatment of management into the categories of "traditional management" and "new public management" (NPM). As the NPM has aged it has largely blended with enduring legacies of traditional management into a contemporary mix of managerial practices that emphasize performance in terms of cost-effectiveness, "steering" while outsourcing, "rowing" where appropriate, customer orientation, and strategic decentralization of human resources and other systems so that the practices of agencies can be better tailored to their missions. Third, we incorporate more material on "new public governance" (NPG) collaborative models for coordinating administration with private organizations, particularly nonprofits. Additionally, we have updated the book and now include initiatives and changes advanced by President Donald Trump's administration. Together, these revisions reinvigorate the book yet retain its core structure, ideas, and familiarity. Among other constants is our labor of love and enthusiasm in working to upgrade each new edition.

The book remains divided into four parts. Part I introduces the book's intellectual framework and discusses the development and constitutional organization of public administration in the United States. Part II considers public administration's core functions: organization, public personnel and collective bargaining, budgeting and public finances, and decision making. Part III shows how management, politics/policy, and law converge in the practice of policy analysis and implementation evaluation as well as in regulatory policy and administration. Part IV focuses on the place of the public and the public interest in public administration. Chapters are devoted to public administration and the public, democratic constitutionalism, and accountability and ethics. The concluding chapter looks at conditions and trends that are likely to impact public administration in the near future.

Reaching a ninth edition is an achievement in its own right. The book has received significant recognition and gained the status of becoming a "world text" by now. The fourth edition was named the fifth most influential book in the field of public administration from 1990 to 2010 in a study by Professor David O. Kasdan appearing in *Administration & Society*. This was an amazing accomplishment for a textbook in competition with books on administrative theory and specific topics ranging through the full scope of the field of public administration. Early editions were widely used as core texts in public administration courses in the People's Republic of China, Hong Kong, and Taiwan. To the best of our knowledge, subsequently the book gained similar adoptions in Australia, Bangladesh, Canada, the Czech Republic, Denmark, Germany, India, Indonesia, Iran, Israel, Kyrgyzstan, Lebanon, Malaysia, Nepal, Netherlands, Nigeria, Norway, Pakistan, Poland, Portugal, the Republic of Georgia, Romania, Russia, Singapore, South Africa, South Korea, Switzerland, Thailand, Ukraine, United Arab Emirates, and, of course, the United States.

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At first, the worldwide use of the book was puzzling. After all, its framework is informed by features of the U.S. political and constitutional systems, including the separation of powers, federalism based on a particular blend of mixed sovereignty, and our legal system. Perhaps faculty and students abroad want to understand U.S. public administration, thinking correctly or incorrectly that at least in part it can serve as a model for their own countries. On further consideration, though, it is more likely that all developed and developing administrative systems have managerial, political/policy, and legal functions and, in order to understand public administration as a whole, it is helpful to treat them as having distinctive dimensions that may be in tension with one another. For instance, in an article titled, "Don't Reinvent the Wheel: The Search for an Identity for Public Administration," appearing in the *International Review of Administrative Sciences* in 2014, Professor Yair Zalmanovitch cogently contends that public administration is defined and identified by the ongoing trialectic among these functions and their dimensions.

Many faculty members have told us that they beneficially use the trialectic approach in their courses. Some have students choose a topic, such as a proposed administrative reform or initiative, to analyze from each of the three perspectives for class presentation. Others have three students, each taking a different perspective, make similar presentations to the class. Still other faculty have their classes as a whole apply the trialectic approach to case studies that are required reading in their courses. Several variants on these approaches can also work well both in the United States and abroad.

A book reaching a ninth edition generates many debts of gratitude to those reviewers and readers who have offered excellent suggestions for improvements and coverage along the way. They are now too numerous to name and thank individually, but their contributions are part of the book and greatly appreciated. In a real sense, they are our coauthors. We also want to thank our readers for their loyalty over the years, especially as we make the switch from McGraw Hill to Routledge. You are responsible for the book's success and we welcome your comments and suggestions for continually improving it.

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PART I

Introduction: Definitions, Concepts, and Settings

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Chapter 2 **The American Administrative State: Development and Political Environment** 51
Chapter 3 **Federalism and Intergovernmental Relations: The Structure of the American Administrative State** 107

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CHAPTER 1
THE CONTEMPORARY PRACTICE AND DISCIPLINE OF PUBLIC ADMINISTRATION: MANAGERIAL, POLITICAL AND POLICY, AND LEGAL PERSPECTIVES

KEY LEARNING OBJECTIVES

1. Be able to define public administration, and to identify its principal concerns.
2. Understand the differences between public administration and private management.
3. Learn the managerial, political and policy, and legal approaches to public administration and the tensions among them.
4. Learn how new public governance (NPG) seeks to reform public administration.

This chapter considers what distinguishes *public* administration from the administration and management of private and nonprofit enterprises, focusing on the roles of the Constitution, the public interest, economic market forces, and government sovereignty. The chapter explores how public administration provides both *service* and *regulation*. It discusses a framework for understanding public administration that consists of three general and competing approaches to administrative theory and practice. One approach sees public administration as essentially management, another emphasizes its political and public policy-making features, and the third focuses on its legalistic aspect. Each perspective embraces a different set of values, offers distinctive organizational approaches for maximizing those values, and considers the individual citizen in different ways.

Public administration has historically been difficult to define. Nonetheless, we all have a general sense of what it is, though we may disagree about how it should be carried out. In part, this is because public administration involves a vast amount of activity. Public sector jobs range from providing homeland security, to the exploration of outer space, to sweeping the streets. Some public administrators are highly educated professionals who may be at the forefront of their fields of special expertise (like National Aeronautics and Space Administration [NASA] engineers and rocket scientists); others possess few skills that differentiate them from ordinary workers. Some public administrators make policies that have a nationwide impact and may benefit millions of people; others have virtually no responsibility for policy making and simply carry out mundane, but necessary clerical tasks. Public administrators are doctors, lawyers, scientists, engineers, accountants, budgeters, policy analysts, personnel officers, managers, baggage screeners, clerks, keyboarders, manual laborers, and individuals engaged in a host of other occupations and functions. But

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knowing what public administrators *do* does not resolve the problem of defining what public administration *is*.

It was pointed out some time ago that any one-paragraph or even one-sentence definition of public administration may prove temporarily mind-paralyzing.[1] This is because "public administration" as a category is so abstract and varied that it can be described only in vague, general, and somewhat competing terms. Yet some attention to definition is important. First, it is necessary to establish the general boundaries, and to convey the major concerns of the discipline and practice of public administration. Second, defining public administration helps place the field in a broader political, economic, and social context. Third, and perhaps most importantly, consideration of the leading definitions of public administration reveals that there are at least three distinct underlying approaches to the field. For years the tendency among scholars and practitioners has been to stress one or another of these approaches. But this has promoted confusion, because each approach tends to emphasize different values, different organizational arrangements, different methods of developing knowledge, and radically distinct views of the individual citizen.

SOME DEFINITIONS

One can find a wide variety of definitions of public administration, but the following are among the most serious and influential efforts to define the field.[2]

1. "Public administration … is the action part of government, the means by which the purposes and goals of government are realized."
2. "Public administration as a field is mainly concerned with the means for implementing political values."
3. "Public administration can be best identified with the executive branch of government."
4. "The process of public administration consists of the actions involved in effecting the intent or desire of a government. It is thus the continuously active, 'business' part of government, concerned with carrying out the law, as made by legislative bodies (or other authoritative agents) and interpreted by the courts, through the processes of organization and management."
5. Public administration (a) is a cooperative group effort in a public setting; (b) covers all three branches—executive, legislative, and judicial—and their interrelationships; (c) has an important role in the formulation of public policy, and is thus part of the political process; (d) is different in significant ways from private administration; and (e) is closely associated with numerous private groups and individuals.

What conclusions can be drawn from this variety of definitions of public administration and their myriad nuances? One is that public administration is indeed difficult to pin down. Another conclusion is that there is really no such subject as "public administration," as such, but rather that public administration means different things to different observers and lacks a significant common theoretical or applied meaning. However, this perspective has limited appeal because the problem is certainly not that there is *no*

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public administration—we not only know it exists, but also are often acutely aware of its contributions and limitations.

Ironically, another conclusion that can be drawn from the multiplicity of definitions is that public administration is everywhere. Some have argued that there is no field or discipline of public administration per se because the study of public administration is inherently interdisciplinary[3] and overlaps a number of other disciplines, including political science, sociology, economics, psychology, anthropology, geography, and business administration. Although this approach contains a great deal of truth, in practical terms it is unsatisfactory because it leaves us without the ability to analyze coherently a major aspect of contemporary public life—the emergence of large and powerful governmental agencies. In two words: *public bureaucracy*.

This book concludes that all the previous definitions are helpful, but limited to some extent. Public administration does involve *activity*, it is concerned with *politics* and *policy making*, it tends to be concentrated in the *executive* branch of government, it does differ from private administration, and it is concerned with *implementing the law.* But we can be much more specific by offering a definition of our own: *Public administration is the use of managerial, political (including policy making), and legal theories, practices, and processes to fulfill legislative, executive, and judicial mandates for the conduct of governmental regulatory and service functions.* There are several points here that require further elaboration.

EMPHASIZING THE PUBLIC IN PUBLIC ADMINISTRATION

First, public administration differs from private administration in significant ways. The lines between the public and private sectors are often blurred, insofar as several aspects of management and law are generic to both sectors. However, on balance, public administration remains a separate field. The reasons for this are outlined in the pages that follow.

CONSTITUTIONS

In the United States, the federal and state constitutions define the environment of public administration and place constraints on it. First, constitutions fragment power and control over public administration (see Box 1.1). The separation of powers places public administration effectively under three "masters." Americans have become accustomed to thinking of governors and presidents as being in control of public administration, but in practice legislatures possess as much or more constitutional power over administrative operations. This is clearly true at the federal level, where Congress has the constitutional authority to create agencies and departments by law; fix their size in terms of personnel and budget; determine their missions and legal authority, internal structures, and locations; and establish procedures for their human resources management (HRM). Congress has also enacted a large body of **administrative law** to regulate administrative procedures,

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including rule making, open meetings, public participation, and the gathering and release of information.

The courts also often exercise considerable power and control over public administration. They help define the legal rights and obligations of agencies and those of the individuals and groups on which public administrators act. They define the constitutional rights of public employees and the nature of their liabilities for breaches of law or the Constitution. The judiciary has also been active in the restructuring of public school systems, public mental health facilities, public housing, and prisons in an effort to make certain they comply with constitutional standards. Judicial review of agency activities is so common that it variously places judges and public administrators in positions of "partners," "allies," or adversaries with one another.[4] The judiciary also plays an important role in maintaining balance among the presidency, Congress, and courts in the constitutional separation of powers so that each branch provides direction and control over some aspects of administrative practice.

The extent of legislative and judicial authority over public administration leaves chief executives with extensive, yet only partial control over the executive branch, and far less authority than is commonly found in the hands of chief executive officers of private organizations, whether profit-seeking or not. The text of the federal Constitution grants presidents only two specific powers that they can exercise over domestic federal administration on their own: the power to ask department heads for their opinions in writing on various subjects and to make temporary appointments to vacant offices when the Senate is in recess.[5] The power to pardon public administrators for putative and proven violations of law might come to mind as well. However, because adherence to the rule of law enjoys strong normative support and is guarded by a variety of checks embedded in public administrative processes, presidents have rarely used this power in the administrative context. In practice, of course, chief executives in the public sector now often exercise very broad statutory powers vested in them by legislatures. Still, legislative bodies almost always retain a strong interest in how public agencies are operating and the courts also serve as a backstop against unconstitutional and illegal executive action.

BOX 1.1: PUBLIC ADMINISTRATION'S CONSTITUTIONAL STATUS*: WHOSE EXECUTIVE BRANCH IS IT, ANYWAY?

The Ethics in Government Act of 1978, which expired in 1992, provided for the appointment of independent counsels to investigate and prosecute certain high-ranking government officials for federal crimes. The independent counsel position was located in the Department of Justice and had "full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department, … the Attorney General, and other department [personnel]." Independent counsels were appointed by a special court, called

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the Special Division, and could not be fired by the president. Firing was up to the attorney general and authorized only for "good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such independent counsel's duties."

The key question before the U.S. Supreme Court in *Morrison v. Olson* (1988) was whether these arrangements violated the constitutional separation of powers. The court, per Chief Justice William Rehnquist, held that they did not. First, the appointment of an executive officer by a court under these circumstances was not "incongruous" because it did not have "the potential to impair the constitutional functions assigned to one of the branches" of the government. Second, the court noted that in its "present considered view … the determination of whether the Constitution allows Congress to impose a 'good cause'-type restriction on the President's power to remove an official cannot be made to turn on whether or not that official is 'purely executive.' " Rather, "the real question is whether the removal restrictions are of such a nature that they impede the President's ability to perform his constitutional duty" to take care that the laws be faithfully executed. The court concluded that although "[i]t is undeniable that the Act reduces the amount of control or supervision that the Attorney General and, through him, the President exercises over the investigation and prosecution of a certain class of criminal activity," the executive branch retained "sufficient control over the independent counsel to ensure that the President is able to perform his constitutionally assigned duties."

Justice Antonin Scalia heatedly dissented:

> There are now no lines. If the removal of a prosecutor, the virtual embodiment of the power to "take care that the laws be faithfully executed," can be restricted, what officer's removal cannot? This is an open invitation for Congress to experiment. What about a special Assistant Secretary of State, with responsibility for one very narrow area of foreign policy, who would not only have to be confirmed by the Senate, but could also be removed only pursuant to certain carefully designed restrictions? … Or a special Assistant Secretary of Defense for Procurement? The possibilities are endless … As far as I can discern from the Court's opinion it is now open season upon the President's removal power for all executive officers … The Court essentially says to the President: "Trust us. We will make sure that you are able to accomplish your constitutional role." I think the Constitution gives the President—and the people—more protection than that.

So, an executive official with law enforcement duties can be appointed by a court and dismissed only for limited reasons specified by Congress. Whose executive branch is it, anyway?

**Morrison v. Olson* 487 U.S. 654 (1988).

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The separation of powers not only provides each branch with different perspectives and authority over public administration but also may frustrate coordination among them. Chief executives, legislatures, and courts are responsible for divergent constitutional functions and responsive to different constituencies, political pressures, and time constraints. All three branches have legitimate interests in public administration. However, they often differ regarding what they think agencies should do and how they ought to do it.

The federal constitutional framework also embodies a system of federalism that allows for considerable overlap in the activities of federal, state, and local administrators. Often the federal government will create a program and rely on the states to implement it. Funding and authority may be shared. In practice, state and local agencies may be responsible to federal departments to a greater extent than they are to state governors or state legislatures.

The federal courts also have a substantial impact on state and local administration. They define the constitutional or legal rights of citizens as they are affected by governmental activity. Over the years the federal courts have ordered extensive reforms in state and local administrative systems and processes.[6]

The separation of powers and federalism result in a fragmentation of authority that is generally not seen in the private sector. Legal restrictions and requirements affect private management, but they do not fragment authority over it in the same way or to the same extent, nor do they provide so many parties with a legal right to observe and participate in private firms' decisions, organizational designs, and other concerns.

Constitutional concerns are important in another way as well. They embrace values in the public sector that frequently run counter to those embodied in private management. Efficiency in government is often subordinated to political principles such as representativeness, public participation, accountability, and transparency. Efficiency is also trumped by legalistic considerations such as due process. Remember that with the exception of the Thirteenth Amendment's prohibition on slavery and involuntary servitude, the Constitution does not directly regulate relationships between purely private parties.[7] Rather, it applies to relationships among units of government, such as Congress and the president or the federal and state governments, and to those between the public and its governments. Further, in most of the public sector, there is no genuine equivalent to the profit motive that is so central to private enterprise.

THE PUBLIC INTEREST

The governmental obligation to promote the public interest also distinguishes public administration from private management. In a moral and basic sense, government must serve "a higher purpose."[8] Even though reasonable people may disagree about precisely what is in the public interest, there can be no dispute about the obligation of public administrators to consider it as a general guide for their actions. A central governmental concern is assuring that public administrators represent and respond to the interests of the citizenry.[9] Various regulations have been enacted over the years, in an effort to prevent those exercising public power from using it for narrow partisan or purely private gain

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or to engage in subversion. Many public personnel systems in the United States and abroad place restrictions on the partisan political activities of civil servants, some have comprehensive conflict-of-interest regulations, and all are concerned with the loyalty of their employees to national interests.

By contrast, private firms are largely thought to best serve the society by vigorously pursuing their own economic interests in the marketplace. Their task is to be highly efficient and competitive in their production of goods and services. Not only is profit a major motivating factor in the world of business, but the profit motive is viewed as a necessary positive social and economic good when kept within legal and normative limits. Private companies should not endanger the health and safety of their workers or that of the general community. Nor should they damage or destroy the environment. By and large, however, it is assumed to be government's role to ensure, through proper regulation, that the private sector does not harm society at large or engage in anticompetitive economic activity. This is partly why public administration has been called "a form of moral endeavor"[10] and public administrators' motivation to provide public service is considered an important social good.[11]

PUBLIC VALUE AND PUBLIC VALUES

The concepts of *public value* and *public values* are closely related to the idea of the public interest. A central purpose of public administration is defined as creating value for the public.[12] Public value, in this sense, can be visualized as infrastructure, such as a highway or bridge, that brings benefits to those who use them and contributes to national and regional economic growth. Likewise, institutions, such as public universities and libraries, also provide public value. In this view, the job of public administrators is to manage the creation of public value.

Public values are normative preferences that guide political systems in protecting individual rights, providing benefits, and adopting principles for developing and implementing public policies.[13] These values are often embodied in constitutions and statutes, though they may be established by broad consensus or agreement among the citizenry and public officials. Public values generally support political system attributes, such as freedom of information, and macro-policy objectives, including environmental sustainability, for instance. For public administrators, promoting public values often poses a challenge when they are "mission extrinsic" in the sense that they do not support the main purposes for which an agency was created and the core mission that it pursues.[14] For example, whereas promoting environmental sustainability was central to the establishment of the U.S. Environmental Protection Agency (EPA) and its mission, environmentalism is extrinsic to the organization and core mission of the National Archives and Records Administration (NARA). Government transparency, by contrast, is central to NARA and mission extrinsic for the EPA. Implementing mission-extrinsic public values tends to be difficult, in part because they may be far removed from the specialized expertise and technologies agencies they rely on to promote their core missions, and they tend to deflect resources from the performance of the activities on which agencies are primarily evaluated.

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Private for-profit and nonprofit organizations also create public value, of course, and they also have to deal with mission-extrinsic public values. However, public value and public values are defining qualities of public administration whereas they are far less central to for-profits. Similarly, nonprofits are legally responsible for adhering to a smaller range of public values than are government organizations.

THE MARKET

Another major distinction between public and private administration concerns the market. Public agencies traditionally have not faced free, competitive markets in which their services or products are legally sold.[15] For the most part, the price tags attached to governmental operations are established through budgetary procedures rather than fixed in the market through free transactions between buyer and seller. Revenues are generated largely through taxation, although in some cases user fees may be a substantial source of operating budgets. Additionally, bonds may be sold to pay for capital projects. Even where user fees are important, however, a governmental agency may be operating as a legal monopoly or be under a mandate to provide service to everyone eligible for it irrespective of how difficult or expensive it may be to reach or treat them. In other words, marginal cost (the cost of producing one additional unit of a good, service, or enforcement action) is less central to decision making in government than in the private sector where it is of great importance. The U.S. Postal Service's mission regarding first-class mail is an example: The price of sending a letter from Miami to North Miami is the same as that of sending one to Honolulu or Nome while the cost increases dramatically with the distance involved.

The market is less constraining in the public sector than in the private sector. The market becomes most salient for public agencies when governments, primarily cities, are under severe fiscal constraints. In the long run, excessive taxation of the public in support of undesired or inefficient governmental operations can cause citizens and residents (who are the consumers or customers of public administrative operations) to "opt out" of the system, by moving to another jurisdiction. Governments face markets when they seek to contract out their public services to private organizations. The federal, state, and local governments also face market forces when they borrow money. The weaker their financial shape, the more expensive borrowing is likely to be. But the governments in question are not likely to go out of existence. Unlike private firms, they cannot move "offshore" or to other jurisdictions. The federal and the state governments cannot declare bankruptcy and although local governments do have this option, they rarely use it.

The "public choice" movement, dating from the 1950s, holds that government agencies will be more responsive and efficient if they can be compelled to react to market-like forces. For instance, public schools might be made to compete with one another by allowing parents a choice in which schools to send their children within a general geographic area. Voucher systems can be used to promote competition between public and private schools.

Private firms typically face markets more directly. Under free-market conditions, if they fail to produce products or services at competitive prices, consumers take their business

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elsewhere, and a company's income declines. Eventually the noncompetitive private firm will go out of business. In between the typical public agency and the private firm is a gray area in which not-for-profit organizations (NPOs) and highly regulated industries, such as many utilities, operate. NPOs fill an important niche in the economy. They offer services that may not be sustained through market pricing. This is because their clients lack the funds to pay for them, their services are goods that have merit but cannot feasibly be provided through market transactions, or their services are based on criteria such as race, ethnicity, or religious affiliation that governments cannot use without violating the Constitution's guarantees of **equal protection clause** or religious freedom.

A vast number of NPOs operate in the United States. In 2016, there were 1.54 million nonprofits registered with the U.S. Internal Revenue Service (IRS). The overwhelming majority of these were charitable or religious in nature. Collectively in 2016, nonprofits contributed about $1,047.2 trillion to the national economy, which comprised 5.6 percent of the national gross domestic product.[16] In 2019, the largest U.S. nonprofits received about 55 percent of their revenue from the public, 11.5 percent from governments, and the rest from their own business-type (sales of goods and services) programs, investments, and other sources, respectively.[17] This revenue portfolio of the 100 largest nonprofits is an outlier in many ways. For the sector overall, sales of goods and services accounts for the largest portion of revenue (49 percent), followed by government grants and contracts (32 percent), private contributions from individuals, foundations, bequests, and corporations (14 percent), and other sources (5 percent).[18] Government contributions make NPOs a significant partner in addressing public policy areas of social concern and need. These contributions also form the basis for government efforts to leverage the activities of "faith-based and community initiatives" in the service of meeting some government priorities.[19]

The remoteness of market forces from most public administrative operations has profound consequences. It enables government to provide services and products that could not profitably be offered by private firms. Some of these services and products are referred to as **public goods** or *quasi-public goods*. Broadly speaking, these are goods, such as national defense and lighthouses, that individuals cannot be excluded from enjoying, that are not exhausted or significantly diminished as more individuals use them, and for which individuals do not compete with one another to acquire. It would be impossible to provide such goods in open, competitive markets, because individuals lack the incentive to purchase the goods, no matter how desirable they are. Why would an individual ship owner pay the full cost for a lighthouse when others, including competitors, would be able to benefit from it for free? Having a lighthouse might be in the public's interest, but it would also be in everyone's self-interest to obtain it free by letting someone else build and maintain it. Under these conditions, especially if the costs are significant, everyone might seek to be a "free rider" on someone else's lighthouse. The net result would most likely be that no one would individually invest in lighthouses and their benefit to ships would be forgone.

The kind of rational self-interest that leaves it up to government to produce public goods can also generate **collective action problems** that impel governmental intervention in

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markets. Collective action problems occur when rational self-interested action by large numbers of people interferes with the achievement of highly desirable, widely shared public policy objectives. For example, we all want public health and protection against extremely contagious diseases. Nevertheless, as witnessed in the 2019–2020 coronavirus pandemic, shortages of protective medical products necessary to reduce the spread and harm of COVID-19 disease were exacerbated by self-interested stockpiling by individuals and organizations. Stockpiling is self-interested rational action up to the point that it becomes wasteful hoarding.

Collective action problems can be addressed through moral suasion, urging and "nudging" people to act in the overall public interest as opposed to their self-interest, and, if either of those approaches proves inadequate, regulatory coercion. Private entities can use persuasion and sometimes may have opportunities to nudge, but only government can also use or authorize coercion backed by criminal penalties. Markets can reward production, whereas government can order it. During the coronavirus pandemic, for example, after urging and nudging people to do what was necessary to make adequate supplies available to healthcare workers and those stricken by COVID-19, President Donald Trump used and threatened to use the Defense Production Act to compel companies to produce ventilators and other medical equipment. This regulatory dimension also frees government from market constraints and sets public administration apart from private management and business, as further explained in Chapter 9 on regulatory administration.

Governments are not immune to the need to make economic trade-offs, however. Sometimes the trade-offs involve deciding how much to spend on one highly valuable public good than another in the current budget. Sometimes they involve deciding whether to invest in preparation for natural disasters that may or may not occur versus spending on programs that are badly needed now. Box 1.2 discusses how it may be considered rational to spend on current needs rather than prepare for another devastating hurricane. Such "impossible choices" are common in public administration, making government service both rewarding and inherently difficult.

BOX 1.2: TRADE-OFFS AND PUBLIC EXPECTATIONS: WHY THE UNITED STATES HASN'T BEEN PREPARED FOR DISASTROUS WEATHER EVENTS AND WHY IT PROBABLY WON'T BE PREPARED FOR THE NEXT ONE

In late August 2005, New Orleans was devastated by Hurricane Katrina. Katrina caused 1,833 deaths, $125 billion in damages, massive flooding and dislocation, and national trauma in that New Orleans was facing an existential threat. Reflecting on the crisis, the then coast guard Admiral Thad Allen, who led much of the

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relief effort, noted that Katrina was so destructive it broke the standard response protocols:

> Under the hurricane response model, resources are provided to a local government, which applies them and runs the response. But we had lost continuity of government: There *was* no functional local government that could take the resources and apply them to the mission.

Storms the scale of magnitude and destruction of Hurricane Katrina are appropriately called "100-year storms." This tagline implies that storms bringing such destruction are a rare occurrence. It does not mean that such hurricanes happen every 100 years, like clockwork. Rather, it is a crude way of indicating that the magnitude of the storm is inversely proportional to its probability of occurrence. Thus, smaller storms occur rather frequently; more violent ones occur more infrequently. Scientists refer to this as "Zipf's Law," which describes the frequency and magnitude of many natural disasters, including not only hurricanes but also tornadoes, volcanoes, and earthquakes. Obviously, an appropriate understanding of the likelihood of a disaster's occurrence is vital to government officials in providing the resources necessary for anticipating and responding to them.

In the hurricane's aftermath, it was clear that the United States—at all levels of government—was unprepared for Katrina's devastating effects. A moment's reflection, however, will reveal that *the situation could not have been otherwise*. To be fully prepared for such disasters, governments at all levels would have to have many hundreds of millions of dollars' worth of materiel and personnel in place, poised and waiting to respond. But the infrequency of these disasters cannot justify such a standing investment, especially in the face of more immediate and acute needs for funding education, health, and welfare. Hurricane preparedness simply cannot compete effectively against demands for immediately funding big-ticket items such as defense preparedness, Social Security, Medicare, and Medicaid—all of which the public wants and expects. Further, in some important sense it does not appear to be rational to make such an overwhelming investment in a hurricane-specific response, because the next disaster may well be a major earthquake, volcano, terror attack, or pandemic. Although we learn important lessons from each of these calamities, it is difficult in the extreme for public administrators to be ready for them. As a consequence, even after Katrina, the United States was not prepared for super storm Sandy, which devastated the New York City region and New Jersey in late October 2012, causing 147 deaths and costing $70.2 billion; or Hurricane Harvey in August 2017, which caused 103 deaths, displaced 30,000 people in Texas and Louisiana, and matched Katrina's dollar cost. Inadequate preparedness for such storms is almost a given and for similar reasons it is no surprise that the nation was caught off guard for the 2019–2020 coronavirus pandemic.

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Sources: Scott Berinaton, "You Have to Lead from Everywhere," *Harvard Business Review* (November 2010), HBR.org/2010/11/you-have-to-lead-from-everywhere; CNN Library, "Hurricane Sandy Fast Facts," October 2, 2019, www.cnn.com/2013/07/13/world/americas/hurricane-sandy-fast-facts/index.html; CNN Library, "Hurricane Statistics Fast Facts," June 5, 2019, www.cnn.com/2013/05/31/world/americas/hurricane-statistics-fast-facts/index.html.

The remoteness of market forces in the public sector often makes it difficult to assess or evaluate the value and efficiency of public administrative operations. If government agencies produce a product that is not sold freely in open markets, it is hard to determine what the product or service is worth. Imagine trying to assess the dollar *value* (not cost) of whatever preparations may be in place for unpredictable cataclysmic storms or pandemics. Proxy measures such as opinion surveys that try to determine what the public is willing to pay for a good or a service are sometimes helpful, but they can be expensive to conduct and are approximations at best. This means that accurately measuring performance and efficiency can sometimes be nearly impossible in the public sector. One way that governments try to get around this problem is to use market transactions to contract out some of their functions to private organizations. Theoretically at least, private companies will compete against one another to obtain the public sector's business.[20] But even then it may be difficult to know whether taxpayers and future generations to which government debt is transferred will get their money's worth.

SOVEREIGNTY

Sovereignty is the concept that government is the ultimate repository of supreme political power and authority within its jurisdiction. An attribute of sovereignty is having a near monopoly over the legitimate use of physical force in society. In the United States, sovereignty resides in the people, as a whole, who exercise it through their elected governments. In our constitutional framework, the people govern themselves through a representative system of governments. Public administration and public employment, in particular, are consequently considered to be a "public trust" charged with implementing the will of the sovereign people as it is defined by their elected leaders. As subordinates of the sovereign people, public administrators are also placed in a position that differs considerably from that of managers and employees in the private sector. Public administrators are agents of the sovereign people, which means that their official actions have the force of law and the coercive power of the government behind them. Private firms also make policies and engage in activities that affect the lives of individuals in the society as a whole, but unless specifically empowered to use physical force (as in the case of privately managed prisons), their policies cannot be enforced through legitimate coercive physical power. Rather, the private sector must turn to the public sector's courts and police power for the enforcement of contracts.

Public administrators, being agents of the sovereign, are inevitably engaged in matters of public policy making and implementation. From the 1880s to the 1940s, public

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administrative theory in the United States held that administration and politics should be almost completely separate from one another. Perhaps this dichotomy between politics and administration was primarily concerned with eliminating partisanship or electoral politics from the public service. But today it is broadly accepted that public administrators do have a legitimate role in all phases of the public policy cycle.[21] In other words, theory and practice now support the idea that the political system should take advantage of public administrators' expertise when it is appropriate to the identification and definition of problems to which public policy ought to be addressed as well as to the formulation, analysis, evaluation, and revision of policies. It is now also recognized that public administrators are often required to make policy choices while implementing statutes and executive orders. They exercise discretion because their mandates from legislatures are general (rather than specific) and/or because of a scarcity of resources that virtually requires the selective enforcement of the law.

Public administrators' involvement in the public policy cycle makes politics far more salient in the public sector than in private enterprise. Public administrators are perforce required to build and maintain political support for the policies and programs they implement. They must try to convince members of the legislature, chief executives, political appointees, interest groups, private individuals, and the public at large that their activities and policies are desirable and responsive.

Involvement in policy making and politics raises the question of how it can be assured that those exercising a public trust will do so properly. This brings a variety of public values, such as representation and transparency, to bear on public administrative practice. For instance, federal policy has sought to make federal administration representative by assuring that the civil service "looks like America" in terms of race, ethnicity, gender, and other social factors.[22] It also provides formal processes through which interested parties can express their views on the adoption of administrative policies and rules.

Transparency is embodied in the federal Freedom of Information Act (FOIA) of 1966 and the Government in the Sunshine Act of 1976. FOIA provides public access to a great deal of information about the operation of agencies. The Sunshine Act requires multiheaded federal boards and commissions, such as the Federal Communications Commission, to do a great deal of their decision making in open forums. Similar statutes regulate state and local governments throughout the nation.

Such values are less relevant to the private sector. Private enterprise is built around the principle of the profit motive, not that of providing representation to different groups or responding to requests by individuals in the United States and worldwide for information about their business decisions and operations. Subjecting private firms to an equivalent of the federal FOIA or Sunshine Act would make it almost impossible for many of them to operate.

In sum, any definition of public administration must lay heavy emphasis on the *public.* There are many similarities between public and private administration, but these are often relatively unimportant in conveying the essence of each. Public administration is concerned with administration of the public interest, it is constrained by constitutions

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and relatively unconstrained by market forces, and it is considered a public trust exercised on behalf of the sovereign. Private administration, in contrast, generally has a narrower concept of the public interest that is tied to the goods and services it produces; profit-making firms are heavily constrained by market forces, not by constitutions. Moreover, private administration is not connected to the issue of sovereignty and is rarely considered to be a public trust of any kind. The lines between public and private administration may become blurred when government contracts out public functions to not-for-profit organizations or other third parties. The same is sometimes true in the case of public agencies that are run like corporations, in the form of public enterprises, such as water and utility districts, and transportation systems. But the private sector is not dominated or characterized by not-for-profit organizations or firms exclusively on government contracts, nor is the public sector largely organized in corporate form. Substantial differences between the public and private sectors remain, and, importantly, they promote reliance on different values and processes.

It is often asked, "Why can't the government be run like a business?" The short answer is that we would have to drastically reduce the importance of representation, transparency, individual rights, and other public values in order for it to do so.

REGULATION AND SERVICE

In the discussion of sovereignty, it was mentioned that the activities of public administrators have a binding quality and that, in general, they have the force of law and can rely on the coercive physical power of the government for enforcement. This raises another point that is crucial to a satisfactory definition of public administration. Although we often think of public administration in terms of providing services to the public, public administrators are also engaged in *regulation* of the public.

Political conservatives opposed to governmental administration have long charged that the public service or the civil service is not a "service," but rather an unelected regulatory force used to place constraints on the public. In truth, one person's service often turns out to be another's constraint, and it is common to find regulation and service intertwined in governmental programs, mainly to provide incentives to behave in ways that are considered economically and socially desirable. For instance, public schools and universities undeniably provide an important public service. At the same time, though, they regulate their students' behavior in myriad ways, sometimes including dress codes, hair length (for boys), speech, and civility as well as intellectual performance. One could go down the list of government functions and find that service after service turns out also to be a constraint. Occupational licenses serve the public by assuring that doctors, hairdressers, and plumbers are competent, but they also regulate entry into those occupations. Driver's licensing and vehicle inspections promote highway safety, but they also regulate the use of the roads. Food and drug regulations certainly constrain producers and serve consumers. Sometimes agencies with the word "service" in their titles are the most directly engaged in regulation. The Internal Revenue *Service* and the Selective *Service* System (registration for potential military draft) are examples. Similarly, public *service* commissions are involved in the regulations of

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utilities. The student of public administration should be continually cognizant of the fact that by exercising public power on behalf of the sovereign people, public *servants* frequently place constraints on the behavior of individuals or corporations.

MANAGERIAL, POLITICAL AND POLICY, AND LEGAL APPROACHES

Public administration involves a number of complex concerns and functions. Not surprisingly, therefore, as an intellectual discipline, practice, or body of theory, public administration lacks a neat coherence. Public administration embodies at least three relatively distinct main approaches that grow out of different perspectives on its functions. Some have viewed it as a managerial endeavor, similar to practices in the private sector. Others, stressing the "publicness" of public administration, have emphasized its political aspects. "Political" in this context has an expansive meaning that includes partisanship, power-seeking behavior by public agencies and individual administrators, public policy making and implementation, the distribution of the costs and benefits of governmental programs, and aspects of political campaigns and elections. Noting the importance of sovereignty, constitutions, and regulation in public administration, many have also viewed public administration as a legal matter. Each of these approaches tends to emphasize different values and procedural and organizational arrangements for the operation of public administration, each views the citizen in a remarkably different way, and each adopts a different perspective on how to develop knowledge relevant to public administrative theory and practice.

A further complication is that the traditional managerial approach that developed from late nineteenth century to the mid-1940s, also known as classical or orthodox public administration, was transformed by a movement toward a "new public management" (NPM) from the 1990s into the 2000s. Transformed, but not replaced, and accordingly today's public administration is a mix of older and newer practices, concepts, and theories. The managerial, political and policy, and legal approaches are embedded in our political culture. They reflect the same ideas and sentiments that have found institutional expression in the constitutional separation of powers and assignment of functions to different branches. Thus, in the United States, political power has been divided in order to protect individual rights from the arbitrary use of governmental power. In public administration theory, this has been reflected in the managerial, political and policy, and legal approaches. The managerial approach is associated with the executive branch's interest in faithful implementation of the law. The political and policy approach is associated with legislative policy-making concerns, including administrative rule making. The legal approach focuses on government's adjudicatory function, commitment to maintaining constitutional rights (the "blessings of liberty"), and the rule of law.

THE MANAGERIAL APPROACH TO PUBLIC ADMINISTRATION

Those who define public administration in managerial terms take a businesslike approach to it that tends to minimize the distinctions between public and private administration. In

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their view, public administration is essentially the same as big business and ought to be run largely according to the same managerial principles and values. This outlook is frequently voiced in the media and found among those elected political leaders who tend to resent the costs of "bureaucracy" and the collective policy influence exercised by civil servants.

Today, those who view public administration as management seek to blend traditional and NPM approaches into efficient, economical, and effective public service and regulation that is focused on achieving programmatic results while being responsive to those individuals, groups, and organized interests that are most affected by governmental programs and policies. The contemporary orientation toward results stands in contrast to an earlier tendency for public administration to focus on procedure largely on the assumption that efficient procedure would yield the most cost-effective level of government outputs. Another way of saying this is that traditional administration focused on inputs and outputs more than outcomes (i.e., results). Today's emphasis on results embodies the fundamental principle that wherever feasible government's primary job is to "steer" rather than "row" in the delivery of administrative programs. Steering requires government to ensure that these programs are effectively implemented; rowing means that their delivery can be by government contractors, for-profit and nonprofit entities that collaborate with public administrators in providing public services, and individuals, groups, and organizations that "coproduce" program results. The results orientation also puts an emphasis on performance in terms of obtaining the desired policy outcomes or at least contributing significantly to them. In contrast to the past, performance is now thought to be enhanced by embracing administrative flexibility rather than "one-size-fits-all" rigidity, empowering public employees who, regardless of hierarchical rank, are in the best position to contribute to performance by resolving problems encountered in the implementation of programs, and deregulating public administration by freeing it from encumbering red tape.

There are clearly a lot of pieces in the contemporary managerial approach and some of them can be in tension with one another in specific administrative contexts, functions, and activities. It will help clarify today's managerial approach by reviewing the legacies of traditional public administration and then the specific modifications and additions by the NPM.

TRADITIONAL MANAGERIAL LEGACIES IN CONTEMPORARY PUBLIC ADMINISTRATION

The roots of the traditional managerial approach go back to the nineteenth-century civil service reformers who first promoted a managerial focus as a means of organizing the public service. The reformers' chief complaints were that political patronage appointments to the public services at all levels of government led to corruption, inefficiency, and the emergence of a class of politicians—"spoilsmen," as they were frequently called—who were fundamentally unfit to lead the nation. In the reformers' view, "What civil service reform demand[ed], [was] that the business part of the government shall be carried on in a sound businesslike manner."[23] For it to become businesslike, it had to become nonpolitical.

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Consequently, appointments were to be made on the basis of "merit" and "fitness" rather than political partisanship. Many reformers thought that public employees should be prohibited from taking an active part in electoral politics other than voting. Once politics was rejected as the basis for hiring and firing public administrators, the reformers believed that the selection and tenure of public servants could be based on their efficiency and performance.

To sustain this logic, the reformers had to insist that the vast majority of public administrators had no legitimate political or policy-making functions. Much of their thinking and the logic of the traditional managerial approach depended on the existence of a separation, or "dichotomy," between politics and administration. Woodrow Wilson (1856–1924), U.S. president from 1913 to 1921, was a strong supporter of civil service reform in the 1880s and is often considered the founder of self-conscious American public administrative thought. In his famous 1887 essay "The Study of Administration," Wilson wrote, "Administration lies outside the proper sphere of *politics*. Administrative questions are not political questions."[24] Rather, they are managerial questions because, as Wilson expressed it, public administration is "a field of business."

Wilson was also influential in his straightforward articulation of managerial values:

> It is the object of administrative study to discover, first, what government can properly and successfully do, and, secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost either of money or of energy.[25]

In other words, according to the traditional managerial approach, public administration is to be geared toward maximizing effectiveness, efficiency, and economy.

The advocacy of businesslike public administration eventually became the orthodox or classical view of how the public service should be run. Managers, not politicians, should be in control, and efficiency was the ultimate value, the "axiom number one in the value scale of administration."[26] Politics should be eliminated because it produced inefficiency. Moreover, despite the growing regulatory activities of the public service, law was deemphasized because, as Leonard White's influential *Introduction to the Study of Public Administration* (1926) contended, "the study of administration should start from the base of management rather than the foundation of law."[27]

From the 1910s to the 1940s, a worldwide "scientific management" movement, based on the work of Frederick Winslow Taylor (1856–1915),[28] developed and advocated the premise that effective, efficient management could be reduced to a set of scientific principles. In the view of critics of this approach, the result in terms of administrative values was that

> the "goodness" or "badness" of a particular organizational pattern was a mathematical relationship of "inputs" to "outputs." Where the latter was maximized

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> and the former minimized, a moral "good" resulted. Virtue or "goodness" was therefore equated with the relationship of these two factors, that is, "efficiency" or "inefficiency."[29]

Wastefulness, through inefficiency, was considered immoral.

ORGANIZATIONAL STRUCTURE

In an effort to maximize the attainment of these values, the traditional managerial approach promotes an organizational structure universally identified as *bureaucratic.* This may strike the contemporary reader as odd, because today *bureaucratic* is often used as a synonym for *inefficient.* In Chapter 4, we will consider the complicated reasons why bureaucratic organizations often develop inefficiencies. Nevertheless, it remains true that many of their organizational principles are *intended* to maximize the amount of output per unit of input. Bureaucracies stress the need for a division of labor that enables employees to specialize in the accomplishment of a given set of tasks. Specialization enables each worker to become expert at what he or she does, although the work of any individual may be only a small part of the organization's total activity. *Specialization* requires coordination, and bureaucracy relies on *hierarchy* for this purpose. Hierarchy creates a chain of authority to manage and coordinate the work divided according to the principle of specialization. Hierarchy, in turn, requires that programs and functions be clearly assigned to specific organizational units. Otherwise, there will be overlapping authorities likely to lead to conflicts. Bureaucratic organizations are also organized along *formalistic* lines, which spell out the functions and responsibilities of each employee. Positions are classified according to "scientific" principles and are organized into a rational scheme. The selection of employees is based on their ability to perform the tasks at hand—that is, on their merit. Other factors, such as political affiliation, race, and gender, should not be taken into account.

VIEW OF THE INDIVIDUAL

The traditional managerial approach to public administration promotes an impersonal view of individuals. This is true whether the individuals in question are the employees, clients, or "victims" of public administrative agencies.[30] (The traditional approach rarely considers members of the public to be "customers.") Max Weber (1864–1920), the foremost analyst of bureaucracy, considered "dehumanization" to be the "special virtue" of bureaucracy, with the bureaucrat viewed as a "cog" in an organizational machine over which he or she has virtually no control.[31] Weber saw this as an advantage of bureaucracy because it meant that "irrational" emotions would not interfere with the bureaucrat's job performance. This perspective was promoted by the scientific management movement, which tends to turn the individual worker into an appendage to a mechanized means of production. The worker has to adapt to the machine or organization, not the other way around (see Box 1.3).

By 1920, this view of the employee was firmly embodied in the principles of **position classification** (i.e., the description of duties and rank) in the public sector: "The individual

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characteristics of an employee occupying a position should have no bearing on the classification of the position."[32] The strong "position orientation" of the traditional managerial approach to public administration diminishes the importance of the individual employee to the organization. Again, this was in order to maximize efficiency and to reduce the possibility of favoritism.

BOX 1.3: SCIENTIFIC MANAGEMENT FROM SHOVELING TO BASEBALL

S*hoveling:* "There is a scientific fact. A first-class shoveler ought to take twenty-one and one-half pounds on his shovel in order to work to the best possible advantage. You are not giving that man a chance unless you give him a shovel which will hold twenty-one pounds. …

"There is only one way to do it right. Put your forearm down onto the upper part of your leg, and when you push into the pile, throw your weight against it. That relieves your arm of work. You then have an automatic push, we will say, about eighty pounds, the weight of your body thrown on to it."

Baseball: "I think this instance represents one of the best illustrations of the application of the principles of scientific management. I refer to the management of a first-class American baseball team. In such a team you will find almost all of the elements of scientific management.

"You will see that the science of doing every little act that is done by every player on the baseball field has been developed. Every single element of the game of baseball has been the subject of the most intimate, closest study of many men, and, finally, the best way of doing each act that takes place on the baseball field has been fairly well agreed upon and established as a standard throughout the country. The players have not only been told the best way of making each important motion or play, but they have been taught, coached, and trained to it through months of drilling. And I think that every man who has watched first-class play, or who knows anything of the management of the modern baseball team, realizes fully the utter impossibility of winning with the best team of individual players that was ever gotten together unless every man on the team obeys the signals or orders of the coach and obeys them at once."

Sources: Frederick Winslow Taylor, "The Principles of Scientific Management," *Bulletin of the Taylor Society*, vol. II, no. 5 (December 1916), pp. 19–20 and *Hearings Before Special Committee of the House of Representatives to Investigate the Taylor and Other Systems of Shop Management*. Under Authority of House Resolution 90; vol. III, p. 1396.

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Clients—now called customers, too, have been depersonalized and turned into cases in an effort to promote the traditional managerial values of efficiency, economy, and effectiveness. Ralph Hummel explains:

> Bureaucracy is an efficient means for handling large numbers of people. "Efficient" in its own terms. It would be impossible to handle large numbers of people in their full depth and complexity. Bureaucracy is a tool for ferreting out what is "relevant" to the task for which bureaucracy was established. As a result, only those facts in the complex lives of individuals that are relevant to that task need to be communicated between the individual and the bureaucracy.
>
> To achieve this simplification, the modern bureaucrat has invented the "case." At the intake level of the bureaucracy, individual personalities are converted into cases. Only if a person can qualify as a case, is he or she allowed treatment by the bureaucracy. More accurately, a bureaucracy is never set up to treat or deal with persons: it "processes" only "cases."[33]

The subjects of public administrators' activities may be depersonalized to such an extent that they are treated as subhuman, especially where physical force or coercion is employed, as, historically, in public mental health facilities, prisons, and some police functions.[34]

Other approaches to organization argue that reliance on impersonality tends to be counterproductive because it generates dysfunctions. These matters will be discussed in Chapters 4 and 10. Nevertheless, the impersonal view of individuals is deeply ingrained in the traditional managerial approach and is considered essential to the maximization of efficiency, economy, and effectiveness.

COGNITIVE APPROACH

The traditional managerial approach emphasizes the scientific method in developing knowledge. The kernel of the idea that public administration could be a science was contained in Woodrow Wilson's 1887 essay.[35] By 1926, Leonard White noted that public administration was being transformed from an art into a science, and, in 1937, Luther Gulick and L. Urwick would publish, most influentially, *Papers on the Science of Administration*.[36] The commitment to developing a science of public administration remains strong—probably dominant—in contemporary American public administrative research and scholarship.

In practice, treating public administration as a science has promoted an effort to develop generalizations about administrative behavior. This involves the formulation of hypotheses that can be tested empirically. Data are gathered, aggregated, and statistically analyzed. The basic orientation is deductive; knowledge consists of statistically verifiable generalizations that can be applied, with caution, to specific cases.

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RESOURCE ALLOCATION

The traditional managerial approach's commitment to the values of efficiency, economy, effectiveness, and science leads it to favor rational budgeting systems (see Chapter 6). Such systems emphasize the need to build cost-effectiveness considerations into the formulation of budgets.

DECISION MAKING

The traditional managerial approach also favors rational decision making, as explored in Chapter 7. Essentially, it holds that in making decisions public administrators should consider all plausible alternatives comprehensively and choose the one that is most cost-effective. Relying on scientific expertise, including that of social scientists, this approach does not favor broad public participation.

THE CONTRIBUTIONS OF NPM TO THE CONTEMPORARY MANAGERIAL APPROACH

In the early 1990s, the NPM began to take hold in the United States. Like the traditional managerial approach at its inception, this newer approach was reform oriented and sought to improve public sector performance. It started from the premise that traditional, bureaucratically organized public administration was "broken," and consequently the public had lost faith in government.[37] After years of antigovernment political rhetoric, "bureaucracy bashing," and negative media coverage, public administration was broadly viewed as inept and wasteful. Public opinion polls revealed that in 1993 only 20 percent of the public trusted the federal government to do the right thing most of the time—a steep drop from 76 percent in 1963.[38] In public opinion polls that had been conducted since the early 1960s, fully half of all Americans polled expressed a belief that around one-half of all federal spending was "waste."[39]

The image of state and local governments had also fared badly. Taxpayer revolts broke out from California to Massachusetts. By 1991, 19 states had enacted limits on taxes and expenditures—up from 2 in 1978, when California's tax-limiting Proposition 13 first captured a great deal of public attention. A majority of the states had also placed tax limits of one kind or another on their local governments.[40] Governments throughout the United States were viewed as needing drastic reforms, even "reinvention," as David Osborne and Ted Gaebler put it in the title of their best-selling 1992 book, *Reinventing Government*.[41]

Fortunately for the new managerial reformers, some models for improvement were already available. In the English-speaking world abroad, New Zealand, Australia, and the United Kingdom had been undertaking drastic administrative reforms.[42] As Osborne and Gaebler reported, several cities and states in the United States had successfully done the same.

The NPM differed from traditional public administration primarily in emphasizing steering rather than rowing, prodding agencies to use markets and market-like competition in pursuing their core missions, and thinking of the public as customers, rather than cases

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or clients, to whom agencies should be responsive and for whom they should create value. It also sought to "liberate" public administration from red tape and over-regulation while empowering governments' well-educated late-twentieth-century workforces to solve problems and determine how best to enhance performance on their own. Further, the NPM tried to counter old-style administrative rigidity with newfound flexibility in creating public value and achieving results.

At the national level, the NPM approach was adopted in the early 1990s by Vice President Al Gore's National Performance Review (NPR). Its 1993 report, *From Red Tape to Results: Creating a Government That Works Better and Costs Less*, explicitly sought "a new customer service contract with the American people, a new guarantee of effective, efficient, and responsive government."[43] In addition to the measures noted above, it sought to decentralize decision making, develop strategic public personnel approaches that tailor HRM to individual agency missions and programs, and streamline budgeting and procurement. The NPR report explicitly relied on the traditional managerial approach's insistence that there can be a separation between politics and administration. In the preface, Gore admonished, "This performance review is not about politics … We want to make improving the way government does business a permanent part of how government works, regardless of which party is in power."[44] The view that public administration is largely apolitical and businesslike is essential to the NPM more generally. To work in democracies and to maintain accountability, deregulated, empowered, results-oriented public administrators must stick to achieving the policy goals established by elected and politically appointed officials. Market mechanisms as construed by the NPM are not substitutes for public participation in politics and policy making. Employees and agencies are not empowered by vice presidents, public managers, and administrative reformers to make public policy.

As several states and local governments consciously adopted NPM measures, its key concepts—somewhat revolutionary three decades ago—have become the standard language of contemporary public administration. Terms such as "steering and rowing," "results oriented," "customer focused," "employee empowerment," and "outsourcing" have entered the mainstream. The fundamental characteristics of the contemporary managerial approach to public administration can be summarized as follows.

ORGANIZATIONAL STRUCTURE

In blending traditional and new public management, contemporary public administration is cognizant of the extent to which administrative activities can be organized based on business practices and, where relevant, customer service. Today, organizational structure is intended to promote effectiveness rather than follow formulas for efficiency alone. Organizational design is based on pragmatic yet strategic considerations of whether centralization or decentralization best fits an agency's missions and functions. It also seeks to promote both cost-effectiveness and responsiveness to the public either through their elected officials or directly in terms of customer orientation. For instance, public safety functions, such as disaster relief, are aptly centralized and coordinated through relatively steep hierarchies. The same is true of routine, repetitive activities where cost-effectiveness

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is a primary measure of performance and there is no direct interaction with the public. Decentralization is more appropriate where outcomes depend on treating customers as individuals rather than routine categories of cases. Here hierarchy is less pronounced and employee empowerment becomes more common. In traditional terms, with decentralization comes more coordination by idea and the "law of the situation"[45] and somewhat less by unity of command. Whether centralized or decentralized, contemporary public administration embraces outsourcing government work to private entities. This requires relatively more attention to organizing for steering and less for rowing.

VIEW OF THE INDIVIDUAL

With its strong emphasis on performance, contemporary public management is also pragmatic in viewing individuals as cases in some contexts and customers in others, sometimes as part of the same function. For example, in providing "real IDs," a Department of Motor Vehicles (DMV) may have hard and fast rules regarding the documents that an applicant must produce. Without those documents one cannot obtain the ID. There are no exceptions even when someone's situation deviates from the norm and doesn't fit the requirements. He or she is treated as a case, not a customer with a special situation that the DMV needs to address. At the same time, the DMV may schedule appointments for applicants rather than operate on a first-come-first-served basis, thereby eliminating long lines and wasted customer time. Where customer service improves administrative cost-effectiveness or performance outcomes, it is likely to be preferable, all else being equal. If standardization and procedural regularity are absolutely necessary for the proper performance of a function, then viewing individuals as cases will be more effective.

It is important to note that customers can be other agencies, governments, and private organizations as well as individuals. Customers within the same government are called "internal" customers. For instance, a central personnel agency, such as a civil service commission, can recruit, test, investigate, and train employees as a service for other agencies. Service agencies are frequently used to provide internal customers with vehicle and building maintenance, security, supplies, and equipment. Customer relationships among different governments are also common because so much public policy implementation involves intergovernmental coordination.

The idea that public administrative agencies have customers was not new. As early as 1936, when traditional public administration was close to the pinnacle of its influence, administrative theorist Marshall Dimock advised,

> The customer-satisfaction criterion applies with as much force to government as to business … . If the administrator keeps his eyes constantly on the end result, namely customer satisfaction, then the steps which need to be taken in order to improve the internal administration are usually self-apparent.[46]

However, it was not until the advent of the NPM that Dimock's perspective entered mainstream public management.

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Resistance to focusing on customers has been based on a tension between market-like public administration and traditional public administration's concern with acting in the broader public interest. Customers in a market differ from citizens in a community. Customers seek to maximize their individual welfare; so do citizens. However, public participation in politics is aimed at solving common problems and defining public policy (rather than personal) objectives. Public policy driven by customer demand and/or satisfaction may differ from that based on political agreement or administrative expertise. For instance, if eligibility to vote in local school board elections were confined to the parents of children attending public schools rather than open to a jurisdiction's general electorate, education policy would be responsive to customers. It might not serve the broader public interest in producing educated citizens or in funding other priorities, though. Because resources are limited, allocating them according to customer preferences is not necessarily the same as basing them on electoral outcomes. The appropriate limits to responsiveness to customers is an issue that has to be worked out by governments over time.

COGNITIVE APPROACH

Traditional public management was considered to be an applied science of efficiency. Knowing what to do and how to do it, such as classifying administrative positions, depended on developing principles based on science. Scientific management was developed through experimentation, basic assumptions about human behavior, and rational inductive and deductive reasoning. NPM does not reject science, of course, but its desire to make public management market oriented leads it to look to public choice as a guide to designing administrative action.

Public choice posits the individual as a consumer of government services and theorizes that both consumer choice and administrative efficiency will be enhanced if governments can be made to compete for individuals' differing demands for goods and services as firms in a market do. Public choice also argues that, generally speaking, government should not supply a service or apply a regulation unless it cannot be done as well by the private sector. Markets are thus generally viewed as superior to public administrative operations in satisfying individual preferences, developing technical efficiency, and operating in cost-effective ways. Metrics such as program performance measures can be used to see whether policies and programs are effective in achieving social outcomes desired by customers, such as reductions in crime, teenage pregnancy, infant mortality, and high school dropout rates. Even where it is not possible to use quantitative indicators of performance, surveys can be used to determine levels of customer satisfaction.

Again, contemporary public administration is pragmatic in blending traditional and NPM market-like approaches. In 1946, Herbert Simon convincingly demonstrated that traditional public management was not science, but rather consisted of commonsensical principles that came in competing pairs like proverbs.[47] Since that time, however, the range of knowledge developed through social science has increased immensely, partly at Simon's urging. Today, requiring public policy and public administrative choices to be "evidence based" is standard practice and, in some cases, required by statute.[48] **Behavioral economics** and **behavioral public administration** have yielded important knowledge

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about how human psychology affects individual behavior in public administrative and public policy contexts (see Chapter 7). Nevertheless, the NPM's pragmatic approach of basing knowledge on customer preference remains an important guide to designing administrative activity.

RESOURCE ALLOCATION

Traditional public administration based budgeting on the instrumental and utilitarian approaches of cost-effectiveness and cost–benefit analyses, respectively. Cost-effectiveness is essentially a combined measure of economy and effectiveness in producing outputs. A program is more cost-effective if it produces more output for less cost. Administrative activities that are abnormally expensive for the level of outputs produced are frowned upon because their funding might be more productive if allocated to other functions. Some things government can do may be too expensive for it to do in relation to how their funding might be otherwise used, as in the example of preparing for unlikely disasters. Cost–benefit analysis is more sophisticated and considers the public value of the outputs, not just what it costs to produce them. Cost–benefit analysis would indicate that it is not desirable to build a new highway or other infrastructure project when the cost of doing so would outweigh the project's public value. In practice, though, because cost-effectiveness and especially cost–benefit analysis are often difficult to do well, budgeting in the traditional approach had great difficulty connecting the input of budget dollars to administrative performance.

NPM budgeting focuses on the results (outcomes) of agencies' production of services and regulation rather than on inputs such as money, personnel, and equipment and on outputs. Outputs per se are valuable only in terms of the programmatic or policy results they contribute to or achieve. Therefore, while the NPM approach takes account of cost-effectiveness and cost–benefit, it does so only to the extent that the outputs being counted or valued are related to achieving the intended results of public policies. The NPM's concern with results is to ensure that government is not doing the right things wrong (pursuing appropriate objectives such as worker safety with poor regulatory administration) or the wrong things right (favorable cost-effectiveness and cost–benefit ratios in regulatory administration when deregulation is more appropriate [see Chapter 9]). From an NPM perspective, if a program is not yielding the intended results then the problem may be that it is underfunded, improperly administered due to failure to adhere to appropriate administrative principles, or it is something that should be done by a different level of government, a private organization, individuals on their own, or left to the market.

Where feasible, the NPM prefers that agencies or administrative units generate their own revenues, or some share of them, by charging user fees. Market-like pressures will generate cost-effectiveness and responsiveness to and value for customers. Legislative appropriations should be based on achieving results. Lack of results signals the need for change, as outlined in Box 1.4. Agencies should have great flexibility in handling their budgets insofar as they produce results. Centralized controls should be reduced, and budgetary decision making decentralized. The ideal is (1) to allow agencies to "manage to budget," that is,

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to spend money as they think best to achieve results; and (2) to be entrepreneurial in developing markets for services they can produce at competitive costs.

DECISION MAKING

Efficiency was the dominant guide in traditional public management decision making. Achieving economy in the sense of cost reduction was another basic objective in decision making. Effectiveness was a third, but more in the sense of cost-effectiveness than performance in terms of results. In decision making, these values—efficiency, economy, and effectiveness—generally dictated that information flowed upward through administrative hierarchies to those at the top who did the deciding, and commands resulting from decisions flowed downward. "Jigsaw-puzzle" decision making was common, in which different units supplied information upward about their pieces of the overall picture while reliance was placed on those at the executive level to put the pieces together to create the whole picture. It was largely assumed that executives at the top hierarchical levels were best suited by experience, intellect, and scientific or administrative knowledge to make decisions.

This model was modified substantially by the NPM because it puts an emphasis on responsiveness to customers, decentralization, employee empowerment, and results-oriented performance. The NPM also emphasized the desirability of entrepreneurial decision making by those at the top in an effort to create public value. As with traditional administration, the NPM was cost conscious. In addition to profligacy being wasteful, the NPM viewed it as undermining trust in government.

HUMAN RESOURCES MANAGEMENT

Traditional public administration organized HRM by rigid merit and position classification systems. At the federal level, the merit system was instituted on a lasting basis by the Civil Service Act of 1883 (Pendleton Act). The act applied to the federal government and specified that merit would be ascertained by practical, job-related competitive examinations. With some exceptions (including racial and gender discrimination),[49] those with the highest scores on merit examinations would be the first hired. They would retain their positions based on performance. Partisan politics or affiliation would play no role in selecting and retaining employees. A Civil Service Commission was established to administer exams and other personnel functions while policing the system against partisan incursions and breaches of law and procedure. Employees' level and pay in the civil service depended on their positions. Positions were designed, classified, and compensated along occupational lines and managerial or supervisory authority by experts. At first, there were no specific, required procedures for firing civil servants. However, eventually dismissals came to involve substantial encumbering requirements and procedural safeguards (see Chapter 5). Employment in the federal civil service was considered a career in which employees would spend their work lives.

The NPM strongly criticized traditional HRM for its rigidity and demotivating impacts. It advocated for greater flexibility in hiring, firing, managing, and compensating employees

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as well as employee empowerment to have input in determining the best way to do their jobs. In addition, the NPM strongly favored decentralization so that individual agencies, rather than central personnel agencies, could design their HRM systems strategically to support their missions. The new role for central personnel agencies was to develop expertise in HRM, advise agencies, and compete with private firms in training and other personnel functions.

Overall, in the United States the public HRM and systems currently embrace NPM approaches. Several states have done away with their traditional personnel systems altogether. Federal HRM was made much more flexible by the Clinton–Gore NPR's effort to "reinvent" federal administration. Examinations, hiring, position classification, and agency-based HRM are now much more flexible than they had been under traditional personnel management.

THE POLITICAL AND POLICY APPROACH TO PUBLIC ADMINISTRATION

The political and policy approach to public administration was perhaps most forcefully and succinctly expressed by Wallace Sayre some six decades ago:

> Public administration is ultimately a problem in political theory: the fundamental problem in a democracy is responsibility to popular control; the responsibility and responsiveness of the administrative agencies and the bureaucracies to the elected officials (the chief executives, the legislators) is of central importance in a government based increasingly on the exercise of discretionary power by the agencies of administration.[50]

The political and policy approach grew out of the observations of scholars, such as Paul Appleby, that public administration during the New Deal (1933–1938) and World War II (1941–1945) was infused with political purpose. Appleby considered administration to be a "political process,"[51] and numerous others have since called attention to the extent to which public administrators participate in public policy making. Unlike the origins of the managerial approach, which focused on what public administration ought to be, the political and policy approach developed from observing the way it actually operates.

If public administration is to be considered a political endeavor, the emphasis shifts to a set of values different from those promoted by a managerial approach. Efficiency, in particular, becomes highly suspect, because it has little to do with the larger questions of government (see Box 1.4). As Supreme Court Justice Louis Brandeis pointed out in dissent in *Myers v. United States* (1926):

> The doctrine of the separation of powers was adopted by the [Constitutional] Convention in 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental powers among these three departments, to save the people from autocracy.[52]

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The political and policy approach to public administration emphasizes the values of representativeness, political responsiveness, and accountability through elected officials to the citizenry. These are basic requirements of constitutional democracy, and incorporating them into all aspects of government, including public management, is considered necessary. However, administrative capacity, largely defined by managerial approaches, is also essential. Consequently, there is an internalized underlying tension between the political and policy and managerial approaches. Political values, which can emphasize process and symbolism, may have little to do with being results oriented in the NPM sense.[53] They can also prod career civil servants to be cognizant of political partisanship in administering programs and speaking truth—or at least expert and science-based conclusions—to power as during the federal government's response to the coronavirus pandemic in 2020. Political values can even frustrate agencies' cost-effectiveness in achieving their missions. Democracy does not come cheap!

BOX 1.4: THE SUPREME COURT ON "EFFICIENCY"

In *Immigration and Naturalization Service v. Jagdish Rai Chadha* (1983),* Chief Justice Warren Burger, on behalf of the Supreme Court, had occasion to observe:

> [I]t is crystal clear from the records of the [Constitutional] Convention, contemporaneous writings and debates, that the Framers ranked other values higher than efficiency … .
>
> The choices we discern as having been made in the Constitutional Convention impose burdens on governmental processes that often seem clumsy, inefficient, and even unworkable, but those hard choices were consciously made by men who had lived under a form of government that permitted arbitrary governmental acts to go unchecked. There is no support in the Constitution or decisions of this Court for the proposition that the cumbersomeness and delays often encountered in complying with explicit Constitutional standards may be avoided, either by the Congress or by the President … . With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

* 462 U.S. 919, 958–959.

Many governmental reforms have been aimed at maximizing the political values of representativeness, responsiveness, and accountability within public administration. For instance, the Federal Civil Service Reform Act of 1978 seeks representativeness by making it "the policy of the United States … to provide a … Federal work force reflective of the Nation's diversity" by endeavoring "to achieve a work force from all

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segments of society." The Federal Advisory Committee Act of 1972 tries to make the committees that advise agencies on rule making and other matters more representative. It declares that such committees "are frequently a useful and beneficial means of furnishing expert advice, ideas, diverse opinions to the Federal Government" and requires that "the membership of advisory committee(s) … be fairly balanced in terms of the points of view represented." Earlier, the poverty and model cities programs of the 1960s sought to use citizen participation to promote political responsiveness in administrative operations. The Administrative Procedure Act (APA) of 1946, as amended and augmented, is loaded with mission-extrinsic public values that are far more concerned with how federal administration supports democratic-constitutional political values than how cost-effective it may be. For example, the APA and related statutes call for public and stakeholder participation in agency rule making, congressional review of major substantive (legislative) agency rules, and, as mentioned earlier, freedom of information. Executive orders can similarly promote these values and policies to strengthen them. For instance, from the 1940s into the 1960s, federal equal employment opportunity policies and requirements were based on executive orders rather than statutes or constitutional law decisions.[54]
A great deal of the tension between the political and policy and managerial approaches involves political values that are mission extrinsic and require processes that impede cost-effective administration and divert staff and financial resources from agencies' pursuit of their core performance objectives. Public managers have long complained that their effectiveness is hampered by political values requiring reporting to Congress and other measures promoting transparency and accountability.

ORGANIZATIONAL STRUCTURE

Public administration organized around the political values of representativeness, responsiveness, and accountability tends to be at odds with the managerial approach to organization. The political and policy approach stresses the extent and advantages of political **pluralism** within public administration. In this view,

> [e]xecutive branch structure is in fact a microcosm of our society. Inevitably it reflects the values, conflicts, and competing forces to be found in a pluralistic society. The ideal of a neatly symmetrical, frictionless organization structure is a dangerous illusion.[55]

Overlapping programs and authority, broad general missions, and multiple field offices are common when politics dominates administrative organization. Roger Davidson finds a political virtue where the managerially inclined might see disorder: "In many respects, the civil service represents the American people more comprehensively than does Congress."[56]

The basic concept behind pluralism within public administration is that because the administrative branch is, in fact, a policy-making center of government, it must enable competing groups to interact with and to check each other by providing political representation to a comprehensive variety of the organized political, economic, and social groups. To the extent that this is achieved, the structure of public administration becomes politicized, with different groups continually seeking representation.

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Overlapping missions and programs can become common as the administrative structure comes to resemble a political party platform that promises something to almost everyone without establishing clear priorities for resolving conflicts among them. Agency becomes adversary of agency, and the resolution of conflict is shifted to the legislature, the office of the chief executive, interagency committees, and the courts. Moreover, the number of bureaus and agencies tends to grow, partly in response to the political demands of organized interests for representation. This approach to administrative organization has been widely denounced as making government unmanageable, costly, and inefficient, but it persists because administrative organization is frequently viewed as a political question heavily influenced by political values.

VIEW OF THE INDIVIDUAL

The political and policy approach to public administration tends to aggregate the individual into broad social, economic, and political groups. It does not depersonalize the individual by turning her into a "case" or treat her as a customer. Rather it identifies the individual's interests as being similar or identical to those of others within the same group. Once grouped, individuals are viewed as the targets or beneficiaries of public policies.

For example, affirmative action within the government service has been aimed at specific groups, such as African Americans, Latinos, and women, without substantial inquiry as to the particular circumstances of any individual member of these broad and diverse groups. Similarly, farmers growing the same crops and/or located in the same national geopolitical subdivisions are considered alike, despite individual differences among them. This fits the political culture well—politicians tend to think in terms of groups, for example, the "African American" vote, the "Latino" vote, the "labor" vote, the "seniors' vote," and so forth. In the political and policy approach, then, individuals are seen as members of communities of interest.

COGNITIVE APPROACH

The political and policy approach is so concerned with representativeness and responsiveness, that it looks for consensus or the development of broad coalitions in determining what is correct, rather than rely largely upon science to establish the "facts." It often bases decisions on the opinions of the public, interest groups, and the media. Elections, public opinion surveys, content analysis of constituents' letters and news coverage, and review of citizens' views expressed at hearings or in focus groups are among the political and policy approach's prime techniques for gaining the information it finds relevant. Following the political and policy approach, public administration reflects public choice and preferences,[57] which may or may not coincide with generalizations and findings that are scientifically derived.

RESOURCE ALLOCATION

The political and policy perspective on public administration views budgets as political, rather than business documents. Allocations are formal statements of how the political system ranks competing values, not necessarily of how the money will be used most

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effectively, cost beneficially, or best satisfy customer demand. Budgeting is a contest among a plethora of groups competing for the public's money. The outcome of the competition is likely to shift over time, roughly in conjunction with changes in the relative strength of different groups, political actors, and points of view held by the public.

Historically, this approach has contributed to **incrementalism**, a budgetary process that largely accepts agencies' current budgets as a base on which next year's allocations will be made. Financial analysis is focused on what new programs or expansions of existing programs agencies are asking for. This has the twin advantages of conserving scarce analytical resources in the government's budgeting agency and avoiding the need to continually raise politically difficult funding issues that were settled in years past.

DECISION MAKING

The political and policy approach tends to favor an incremental style of decision making often called "muddling through" (see Chapter 7). It views political pluralism, limited time, and resource pressures on public administrators as significant constraints on decision making. Consequently, administrators typically can take only small steps toward some general policy objective. It is a political fact of life that the desirability of a decision tends to be measured in terms of political support or opposition rather than cost-effectiveness or scientific analysis, especially when the latter is inconclusive or would promote a policy to which a majority or large segment of the electorate is opposed. This was apparent during the coronavirus pandemic when scientists did not speak with one voice and the public demand increased for an end to "lockdowns" and "social distancing."

HUMAN RESOURCES MANAGEMENT

The political and policy approach to HRM views it as a function that can instill representation of the general public in public administration. It supports developing a public sector workforce that reflects the social composition of the overall working-age population in terms of race, ethnicity, gender, and other attributes such as geographical diversity. Embracing the idea of **representative bureaucracy**,[58] it maintains that a socially representative civil service will be sensitive to and guided by the diverse political views and policy preferences of the population as a whole. To accomplish representativeness, it strongly advocates for building equal opportunity into the recruitment, selection, retention, and promotion of public employees.

Because representativeness should extend to all levels of agency workforces, the political and policy approach also supports vigorous collective bargaining that enables rank and file employees to form and join labor unions to advance their interests through negotiations with management and lobbying with elected legislators. These interests are sometimes related to social concerns, such as the provision of on-site day care in public agencies and parental leave.

Additionally, because the political and policy approach highly values accountability to the public at large, it favors providing protection for whistle-blowers who reveal specific

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dangers to public health and safety, breaches of national security, and waste, abuse, mismanagement, and fraud within the public service. The political and policy approach to HRM is detailed in Chapter 5.

THE LEGAL APPROACH TO PUBLIC ADMINISTRATION

In the United States, the legal approach to public administration historically has been eclipsed by the other approaches, especially the managerial approaches. Nevertheless, it has a venerable tradition and since the 1950s has emerged as a full-fledged approach to modern American public administration. It views public administration as applying and enforcing the law in concrete circumstances. As such, public administration is infused with legal and adjudicatory values and should be subordinated to the rule of law.

Main Sources. This approach has its primary roots in three interrelated sources. The first is **administrative law**, which can be defined as the body of laws and regulations that control administrative processes in general. It consists of statutes; executive orders; the binding directives of central personnel, budget, service, and related agencies; and constitutional law decisions. Because the latter have had a great and relatively distinctive impact on American public administration, constitutional law is given separate treatment here. The federal and typical state administrative procedure statutes address the handling of information, rule making, adjudication, enforcement, open government, and judicial review of administrative action.

A second source of the legal approach has been the movement toward the **judicialization** of public administration. Judicialization is the tendency for administrative processes increasingly to resemble courtroom procedures designed to safeguard individual rights. Decisions are made in an adjudicatory format by hearing examiners or administrative law judges (ALJs). Agencies in this mode function more like courts, and consequently legal values come to play a greater role in their activities. For example, their decisions must meet specific standards of proof, such as "substantial evidence" or a "preponderance of evidence."

Constitutional law provides a third source of the contemporary legal approach to public administration. Since the 1950s, the federal judiciary has virtually redefined the procedural, equal protection, privacy, and substantive rights and liberties of the citizenry in relation to public administrators.[59] Public employees were recognized as possessing a wide array of newly declared constitutional rights. There was a vast expansion in the requirement that public administrators afford constitutional procedural due process, such as trial-like hearings, to the specific individuals whose governmental benefits, including welfare, public employment, and public education, were terminated through administrative action.

New rights, including the rights to treatment and habilitation, have been articulated for those confined to public mental health facilities. The right to equal protection was vastly strengthened and applied in a variety of administrative matters ranging from public personnel recruitment systems to the operation of public housing, public schools, and

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prisons. Individuals involved in encounters with **"street-level" administrators**, such as police, and housing or health inspectors, were afforded stronger Fourth Amendment protection against unreasonable searches and seizures. Privacy rights involving matters such as marriage and family were also afforded clearer protection. (These developments are addressed throughout the book. The place of constitutional values in public administration is the subject of Chapter 11.)[60]

Increasing Relevance of the Law. The expansion of the constitutional rights of individuals in relation to public administrators has been enforced primarily in two ways, both of which enhance the relevance of the legal approach to contemporary public administration. The courts have sought to force public administrators to scrupulously avoid violating individuals' constitutional rights by reducing public officials' once "absolute immunity" from civil suits for money damages to "qualified immunity" from such lawsuits. In a remarkable development, discussed further in the next chapter, under qualified immunity many public administrators may be held liable for damages if a reasonable employee in their position would have known that his or her actions abridged someone's constitutional rights. This is one reason why the student and practitioner of public administration must have an understanding of relevant aspects of constitutional law. Public administrators who violate someone's constitutional rights may well find themselves *personally* responsible to pay damages to the injured individual. In the Supreme Court's view, this approach, "in addition to compensating victims, serves a deterrent purpose" that "should create an incentive for officials who may harbor doubts about the lawfulness of their intended actions to err on the side of protecting citizens' constitutional rights."[61] Consequently, the concept of administrative competence is expanded to include reasonable knowledge of constitutional law.

In addition, in suits successfully challenging the constitutionality or legality of the actions of public institutions such as schools, prisons, and mental health facilities, the courts have sometimes directly supervised the work of public administrators as part of the remedy for the past violations at issue. In some instances of **remedial law**, judges have taken it upon themselves to revamp entire public school, prison, and state mental health systems. They have even established such administrative details as minimum dietary standards, the number of mental health patients there should be per shower or toilet, and where prison guards should be stationed.[62]

The constitutional law affecting public administration is continually changing as the judiciary applies the Constitution to new situations and revises its interpretations of older ones. Some rights that have not yet been recognized legally will be declared; the scope of others will be reduced. But constitutional law, and therefore the courts, will continue to define the rights of individuals in relation to public administrative activity.

Legal Values. The legal approach to public administration emphasizes the rule of law. It embodies several central values. One is **procedural due process**, which stands for the value of fundamental fairness, requiring procedures designed to protect individuals from malicious, arbitrary, erroneous, or capricious deprivation of life, liberty, or property at the hands of government.

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A second value concerns individual **substantive rights** and equal protection of the laws as embodied in evolving interpretations of the Bill of Rights and the Fourteenth Amendment. In general, the judiciary views broad individual rights and liberties as a positive good and a core feature of the United States political system. Limitations of these rights may be tolerated by the courts when, on balance, some essential governmental functions, such as public safety and homeland security, require their abridgment. However, the usual presumption is against the government in such circumstances; consequently, judicial doctrines place a heavy burden on official administrative action that infringes on the constitutional rights of individuals.

Third, the judiciary values **equity**, a concept that, like due process, is subject to varying interpretation. In terms of public administration in general, equity is probably now most central in empowering judges to fashion remedies for individuals or groups whose constitutional or statutory rights have been violated by public administrators. Equity in this sense differs from "social equity," or fairness to all social groups in providing administrative services and enforcing regulations.[63] Additionally, the legal approach values constitutional integrity and opposes efforts to take shortcuts, such as the legislative veto, to get around the strict application of constitutional procedures or the rule of law (see again Box 1.4).

One of the major features of the values of the legal approach to public administration is downplaying the cost-effectiveness reasoning and results orientation associated with the managerial approach. The judiciary is not oblivious to the costs and impacts of its decisions, but its central focus tends to be on the protection of the individual's rights and adherence to legal-constitutional procedures. Procedural due process, in particular, can be costly and encumber the attainment of results. However, when thinking in terms of the legal approach, it is always helpful to remember that, as one court said, "Inadequate resources can never be an adequate justification for the state's depriving any person of his constitutional rights."[64]

ORGANIZATIONAL STRUCTURE

As suggested in the discussion of judicialization, the preferred structure of the legal approach to public administration is adversary procedure: the full-fledged judicial trial is the clearest model of this structure. Adversary procedure calls opposing parties with respect to a legal issue to marshal facts and legal arguments in support of their positions. These are brought before an impartial referee (e.g., a judge or a jury) who weighs them and ultimately decides which side is sufficiently persuasive. In public administration, however, adversary procedure is generally modified to allow greater flexibility in the presentation of "evidence" and interpretation of the facts. Juries are not used, and hearing examiners often play a more active role than traditional judges in bringing out relevant information. Although this structure is often associated with regulatory commissions, it has a broad presence in public administration. For example, it is heavily relied on in contemporary public personnel administration, especially in the areas of dismissals and disciplinary actions against employees, equal employment opportunity, and labor relations. It is also common in instances where governmental benefits, such as welfare and public school education, are being withheld or withdrawn from individuals.

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The precise structure of administrative law varies from context to context, but the common element running through it is the relative independence and impartiality of the hearing examiner. To a large extent, this independence runs counter to the traditional managerial approach's reliance on hierarchy, especially in the sense of "unity of command." Hearing examiners and ALJs stand outside administrative hierarchies in an important sense. Although they can be told what to do—that is, which cases to hear—they cannot be told how to rule or decide, because cases are regulated by procedural due process and turn on matters of judgment. Moreover, hearing examiners' and ALJs' rulings may be binding on public agencies. This may introduce serious limitations on administrative coordination because the adjudicator's interpretation of law and agency rules may differ from that of the agency's management.

To a considerable extent, therefore, this organizational structure is at odds with all the values embodied in the other approaches: it turns customer service into a legal procedure; it militates against efficiency, economy, and managerial effectiveness, but also against representativeness, responsiveness, and political accountability. It is intended, rather, to afford maximum protection of the rights of private parties against illegal, unconstitutional, or invidious administrative action. However, because it is so cumbersome and time-consuming, interest in **alternative dispute resolution** (ADR) has been growing. ADR typically involves negotiation, mediation, and/or arbitration. It is discussed further in Chapter 9.

VIEW OF THE INDIVIDUAL

The legal approach's emphasis on procedural due process, substantive rights, and equity leads it to consider the individual as a unique person in a specific set of circumstances. The notion that every person is entitled to a "day in court" is appropriate here. Adversary procedure is designed to enable an individual to explain his or her unique or particular situation, thinking, motivation, and so forth, to the governmental decision maker. A decision may turn precisely on such state-of-mind considerations, which become part of the "merits" of the case. There are some outstanding examples of this in the realm of public administration. The Supreme Court has ruled that before a mandatory maternity leave could be imposed on a pregnant public school teacher, she was constitutionally entitled to an individualized medical determination of her fitness to continue on the job.[65] In *Wyatt v. Stickney* (1971),[66] a federal district court required that an individual treatment plan be developed for each person involuntarily confined to Alabama's public mental health facilities. Whether an individual's right to equal protection has been violated may depend not only on the administrative action taken but also on the public administrators' *intent* or purpose in taking it.[67] Emphasis on the individual as an individual does not preclude the aggregation of individuals into a broader group, as in the case of class action suits. Although such a suit may be desirable to obtain widespread change, it does not diminish the legal approach's focus on the rights of specific individuals.

COGNITIVE APPROACH

The legal approach favors adjudication as the method of developing knowledge. Facts are established through adversary procedure and rules of evidence that screen the information

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that can be considered by the decision maker. Individuals' intentions or states of mind are treated as objective facts rather than as subjective conditions. Science is not rejected, but the legal approach is wary about applying generalizations to individual cases. The adjudicatory method is frequently inductive. It relies on the specific elements of the case at hand to develop broad, general legal principles. The whole inquiry may involve choosing among competing values. Because individual constitutional rights are intended to protect political, economic, and social minorities from a majoritarian government, the "public will" as expressed in opinion polls and elections is not necessarily of immediate relevance in adjudicatory proceedings.

One of the most striking differences between the intellectual orientation of the legal approach and those of the others concerns the use of social classifications for the sake of analyzing and predicting individual behavior. The traditional managerial approach's reliance on social science may involve the use of such categories as race and biological sex in analyzing behavior. The NPM customer and entrepreneurial emphasis on marketing may do the same. The political approach, being concerned with representation and responsiveness in the distribution of governmental benefits and burdens, is frequently intensely interested in how programs affect women, minorities, and members of other social groups. By contrast, the legal approach views some social classifications as "suspect" because—based on U.S. historical and legal experience—they are presumed to threaten the constitutional requirement of equal protection. Racial classifications are the preeminent example. Such classifications may be constitutional, depending on a number of factors (discussed in Chapter 11), but the courts review them with strict scrutiny to ensure that the government has a compelling need to use them and has chosen satisfactory means in doing so.

RESOURCE ALLOCATION

The legal approach to budgeting emphasizes constitutional integrity and the need to protect constitutional rights even though those exercising them may be an unpopular minority. In a broad range of cases, the federal courts have required states either to fund activities, such as incarceration and public mental healthcare, at levels that ensure the protection of constitutional rights or, alternatively, to release the prisoners and mental health patients. In one case, *Missouri v. Jenkins* (1990),[68] a federal district court even required increases in local taxation to pay for court-ordered public school desegregation. Eventually, however, the court's remedy was found to be too broad an exercise of equity powers.[69]

DECISION MAKING

Judicial decision making is generally incremental. Decisions are based on precedent: the facts of each new case are evaluated in light of the applicable principles of law derived from past decisions. Even where cases present wholly new issues (cases of "first impression"), the courts are apt to reason by analogy to more familiar cases, using past decisions as a guide. Decisions are often framed in narrow terms, or as a balance between competing concerns. This enables the courts to adjust their balancing and rulings in future cases while applying the concepts and language of those of the past. It also lends stability to

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judicial doctrines and may generally yield better decisions. The use of precedent probably also increases the judiciary's legitimacy because it structures their decisions and, to some degree, binds them to past tradition.

HUMAN RESOURCES MANAGEMENT

The legal approach to HRM focuses on the individual rights and constitutional responsibilities of public employees. The constitutional relationship between governments and their public employees in the United States is complex. Like all citizens, public employees enjoy a broad array of constitutional rights to freedom of religion, speech association, bear arms, procedural and substantive due process, equal protection, and Fourth Amendment privacy. However, these rights may necessarily be compromised in the context of public employment because governments, like other employers, need authority over their workforces in order to be effective. When substantial, governments need to justify these compromises, which make public employment a specialized area of constitutional law that largely differentiates it from private sector HRM.[70]

Adding to the uniqueness of the legal approach to public sector HRM, public employees also have constitutional obligations that are almost entirely inapplicable to private employees. As discussed in Chapter 5, public employees are potentially subject to constitutional tort suits if they violate an individual's constitutional rights when exercising their official authority.

FROM NPM TO NEW PUBLIC GOVERNANCE: CURRENT TRENDS IN PUBLIC ADMINISTRATION

Americans have something of a "love–hate" relationship with public administration. The public tends to make a distinction between bureaucrats and bureaucracy.[71] During the coronavirus pandemic, public opinion polls showed great support for individual public servants on the frontlines and at the forefront of fighting COVID-19. At the same time, the public found the nation's overall administrative response slow, disjointed, and inept in some respects. "Bureaucracy bashing" has been a common feature of political campaigns since the 1960s, if not before. To some extent the very existence of the "administrative state" came under challenge during the first years of President Donald Trump's administration. Yet, even public administration's harshest critics are apt to salute the commitment to public service of the employees at all levels of government who put their lives and families' welfare at risk to respond to health, safety, natural, and human-made crises. The NPR attributed these contrasting attitudes toward public administration as the problem of having "good people trapped in bad systems."[72]

Naturally then, we want to improve our public administrative systems, including those directed at strengthening governmental HRM. The NPM sought to "reinvent" these systems, and it met with considerable success in changing ideas about how public administration should operate. However, the NPM actually shared a great deal with traditional public administration, which is why the two approaches could be folded into a single contemporary approach to public management. Chief among the similarities were

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using private sector business models as guides for public administration, viewing public administration as separate from politics, paying very limited attention to the legal aspects of public administration, and thinking of performance in narrow terms that excluded public value and public values.

Responding both to public attitudes toward public administration and the theoretical perspectives underlying the NPM, scholars, public intellectuals, and practitioners began to advance an approach to public administration called "new public governance" (NPG). NPG seeks to advance "the value created by the whole of government activities, not just improved efficiency, effectiveness, or responsiveness in the implementation of a given program."[73] It broadens the scope of performance to include mission-extrinsic public values and "ultimately, citizen trust and the very legitimacy of government itself."[74] Rather than seeking to respond and satisfy customers as individuals, NPG seeks to develop means for public administration to mediate differences among stakeholders in creating value for the public. Additionally, NPG "views the creation of the public good as a coproduction process involving the public, private market, and nonprofit sectors."[75] Instead of forming partnerships with private and nonprofit organizations to deliver outputs more cost-effectively, NPG is interested in coproduction as a means of strengthening "civic infrastructure"[76] so that local jurisdictions, in particular, can define their problems and strategies for resolving them.

NPG's broad philosophical approach leaves a lot to transform into potential administrative actions. The following NPG-related initiatives are currently being practiced or are on the horizon.

BROADENING PERFORMANCE MEASUREMENT

The NPM was dedicated to using performance measurement to improve the way public administrative programs were designed operated. From an NPG perspective, this effort was too confined to traditional business measures because it did not address public value and public values. For instance, the NPM welcomed the Government Performance and Results Act (GPRA) of 1993 and the GPRA Improvement Act of 2010 for their requirements that agencies formulate concrete performance plans, measures for tracking achievements, and performance reporting to the president and Congress. However, performance plans overwhelmingly neglected basic mission-extrinsic public values such as performance on freedom of information requests.[77] Being more oriented toward the quality of citizenship, the NPG would require performance measurement to include production of public value and promotion of public values.

USING NETWORKS, PARTNERSHIPS, AND COLLABORATIVE COPRODUCTION

The NPM emphasized steering rather than rowing when appropriate. The NPG seeks to use networks, partnerships, and collaboration more broadly to improve steering toward the creation and delivery of public value and strengthening of public values.

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Collaborative approaches such as networks and partnerships are currently an important means to leverage scarce resources across agencies and levels of government in order to optimize the use of governmental assets. These approaches also draw on nonprofits in delivering services and enforcing regulations. The NPG would expand collaborative approaches to include input into deciding what government should do to create public value.

The key element in collaborative governance is that it is "something less than authoritative coordination and something more than tacit cooperation" and "usually understood as a convergent arrangement among organizations that have similar and congruent goals but are not bound by authority relationships."[78] As such, collaborative governance presents the question of how public administrators can manage, as they must, without hierarchical authority. To those concerned with governmental regulatory policy and procedure, collaboration suggests regulation by negotiation ("reg-neg"). Reg-neg predates but fits the NPG model well because it is all about shared efforts by governmental and nongovernmental actors to define public value and value preferences for how government should operate (see Chapter 9). Here we follow those who include contractors in collaborative governance. We do so because although contractors are in principal–agent relationships with government agencies, they are not part of administrative hierarchies or chains of command per se and it is time consuming and often difficult to enforce contracts by lawsuit. Like others engaged in collaborative relationships, to some extent they also share common goals with public administrators.

There are several potential advantages to collaborative governance. It enables government to benefit from the activities of private entities[79] in reaching shared objectives such as sheltering homeless persons and providing nutritional support to those who lack food security. Collaborative governance can promote cost-effectiveness by coordinating public administrative efforts with those of corporations and nonprofits. It can take advantage of private organizations' specialization, expertise, capacity, flexibility, and creativity in providing services to segments of the public. It can also rely on their ability to use processes that are constitutionally prohibited in direct public administrative action such as "faith-based" sociotherapy in alcohol and drug rehabilitation and dealing with at-risk populations.

There are also a number of potential pitfalls that caution against entering into collaborative arrangements. Coordination can be difficult in the absence of hierarchy. The goals of entities engaged in collaborative governance arrangements are apt to be overlapping, but not identical, with those of government, especially in terms of resource allocation. Dependence on collaborating organizations makes government hostage to their continued participation, which may require modifying agencies' missions. This phenomenon is called "mission drift." Government may also lose the capacity to deliver services directly. In short, collaborative governance has the potential to modify government's ability to both steer and row but it also offers the possibility of improving both.

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CAPACITY BUILDING

The emphasis that the NPM and traditional public administration put on efficiency can undercut government capacity to provide public value when unexpected levels of needed action arise. This is because the quest for efficiency promotes "just-in-time" capacity to act, while redundancy—which promotes back-up, emergency capacity—has been considered inefficient. The shortsightedness of these outlooks was tragically exposed in the U.S. response to the coronavirus pandemic when it became evident that governments had failed to stockpile medical protective personnel equipment, such as masks and gloves, even for frontline publicly employed doctors, nurses, and hospital personnel. Capacity for a hundred-year hurricane may be irrational, but failing to understand some forms of redundancy as *resilience* can have disastrous consequences.[80] By focusing on public value, rather than immediate cost-effectiveness, the NPG may contribute to a change in the earlier outlook.

CIVIC PARTICIPATION AND ENGAGEMENT

The NPM drew a distinction between members of the public as citizens and as customers. It treated the customer role as more central to public administration. In a remarkable passage, the NPR contended that

> when we are not trusted, when nothing we say or do seems to make a difference, we feel powerless. Elections alone do not restore that power. The power that matters in a self-governing democracy is the power we can exercise "over the counter," on a daily basis, whenever we interact with our government, whenever we seek to make our needs known. Someone must be listening. Someone must act.[81]

The NPG, by contrast, seeks to expand civic participation and engagement precisely to strengthen citizenship and outcomes for citizens. It uses a broad definition of "citizen" that would often include community residents. Civic participation and citizen engagement in the NPG model extend to "policy organizing and implementation [that] gets done through the less formal social network processes" promoting "collective action in the form of organizations, groups, and networks of participants."[82] The NPG views civic participation and engagement as necessary for high-quality coproduction of public administration and public policy. Further, it maintains that civic engagement improves problem solving and advances social justice (see Chapter 10 on public administration and the public and Chapter 11 on public administration and democratic constitutionalism).

CONFLICT RESOLUTION

Conflict resolution is central to many aspects of public administration.[83] It has been most closely associated with the legal approach, which relies on litigation and alternative dispute resolution in efforts to resolve conflicts fairly and justly in the overall public interest of maintaining and improving the political system. HRM relies heavily on formal hearings

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and alternative dispute resolution to resolve personnel and labor relations conflicts. In some respects, the NPM generated conflict by injecting greater competition and market-like processes into public administration. The NPG is cognizant of value conflicts and expects to mitigate some of these through civic participation, engagement, and education. At present, however, hyper-partisanship and the continuing polarization by the ongoing "culture war" politicize Americans' love–hate relationship with public administration. Along with specific public policy questions and administrative actions, they expand and exacerbate discord, thereby making conflict resolution a continuing challenge for public administrators.

It is clear to even the most casual observer that these trends are very real, and that they hold great potential to transform public administration in new, exciting, and socially beneficial ways. However, given the historical development of the U.S. administrative state and the three dominant approaches inherent in American administrative theory, the most important innovation that may be necessary at this time is a fresh theory of the place of administrative power and authority in the U.S. constitutional system.

CONCLUSION: PUBLIC ADMINISTRATION RECONSIDERED

Public administration is a highly complicated endeavor. It embodies at least the major approaches just discussed. Each of these approaches emphasizes values, organizational arrangements, views of the individual, intellectual orientations, and HRM perspectives that are sometimes at odds with those of the others. Box 1.5 summarizes these approaches to public administration. In examining the chart, analyze the ways in which the three approaches are sometimes in tension and sometimes in harmony with one another.

Public administrators are called upon to be managers, policy makers, and attentive to administrative and constitutional law. They are stuck between the proverbial "rock and a hard place" when called on to act in a fashion that will integrate administrative approaches that may defy successful integration. This is one reason why politicians and society generally have become so critical of public administration. It is often virtually impossible to satisfy all the managerial, political and policy, and legal/constitutional demands placed on public agencies and public administrators. Efficient management may reduce political representation and due process. Emphasizing one approach is certain to provoke criticisms from those who think the others are more or equally important. No doubt this is discouraging in some respects, but it also makes public administration challenging and fascinating. Public administrators are called on to help solve the nation's problems and improve its quality of life. However, there is little consensus on how they should proceed. Although their jobs are sometimes impossible, public administration can be highly rewarding.

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BOX 1.5: MANAGEMENT, POLITICS, AND LAW IN CONTEMPORARY PUBLIC ADMINISTRATION

	Management	**Politics/policy**	**Law**
Primary function			
	Execution	***Legislation***	***Adjudication***
Values	Cost-effectiveness, customer orientation	Representation, responsiveness, political accountability	Constitutional integrity, rights, procedural due process
Structure	Ideal type, bureaucracy, governance	Organizational pluralism	Adjudicatory (adversarial)
View of individual	Impersonal case, rational actor, customer	Member of group, constituency	Individual, member of class, reasonable person
Cognition	Rational-scientific, observation	Agreement, public opinion, discourse	Legal analysis, normative reasoning
Budget	Cost–benefit, performance-based	Incremental distribution of burdens and benefits	Rights funding
Decisions	Rational, comprehensive, cost-minimizing, customer driven	Muddling through	Precedential incrementalism
Personnel	Merit, performance, empowerment	Representation, equal opportunity, collective bargaining, whistle-blower protection	Equal protection, due process, substantive rights

STUDY QUESTIONS

1. Consider public administrative operations with which you have recently dealt. List all their functions that (a) provide services, (b) enforce regulations, or (c) provide a mix of service and regulation.

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2. Think of those in government with whom the public interacts on a regular basis. List as many as you can. Does your list contain teachers, post office letter carriers, or park rangers? If not, then your list would be incomplete, for they are all public administrators.
3. Think about some public administrative issue that has recently been in the news. Consider whether the managerial, political and policy, and legal perspectives emphasized in this chapter are present in the general discussion of the issue. If so, are the proponents and opponents addressing each other's concerns?
4. Can you find signs of NPG concerns arising in your home state or by the local jurisdiction in which you reside? By your university or college?

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1 Dwight Waldo, "What Is Public Administration?" in Jay Shafritz and Albert Hyde, Eds., *Classics of Public Administration*, 2nd ed. rev. and exp. (Chicago: Dorsey Press, 1987), 230.
2 The following definitions can be found in Richard Stillman, Ed., *Public Administration: Concepts and Cases* (Boston: Houghton Mifflin, 1978), 2–4. They are offered by John J. Corson and J. P. Harris; John Pfiffner and Robert Presthus; James W. Davis, Jr.; Nicholas Henry; Dwight Waldo; and Felix and Lloyd Nigro, respectively.
3 Jos C. N. Raadschelders, *The Interdisciplinary Study of Public Administration* (New York: Oxford University Press, 2011).
4 David Bazelon, "The Impact of the Courts on Public Administration," *Indiana Law Journal* 52 (1976): 101–110; Rosemary O'Leary, "Public Managers, Judges, and Legislators: Redefining the New Partnership," *Public Administration Review* 51, no. 4 (1991): 316–327; David H. Rosenbloom, *Public Administration and Law: Bench versus Bureau in the United States* (New York: Marcel Dekker, 1983).
5 The president's constitutional authority to make recess appointments is limited. They cannot be made during a recess of only three days, are presumably unconstitutional during four nine-day recesses, and cannot be made while the Senate is in pro forma sessions where normal legislative activity is essentially suspended. See *National Labor Relations Board v. Noel Canning*, 573 U.S. 513 (2014).
6 See David H. Rosenbloom, Rosemary O'Leary, and Joshua Chanin, *Public Administration and Law*, 3rd ed. (New York: CRC Press, 2010). See also David H. Rosenbloom, *Administrative Law for Public Managers*, 2nd ed. (Boulder, CO: Westview Press, 2015).
7 The constitutional law doctrine of "state action" applies constraints against violations of individual constitutional rights and liberties by private entities, such as government contractors, when they are deemed to be governmental actors whose actions can be "fairly attributed" to the federal, state, or local governments. See *Brentwood Academy v. Tennessee Secondary School Athletic Association* 531 U.S.288 (2001); see also Chapter 11.
8 David K. Hart, "The Virtuous Citizen, the Honorable Bureaucrat, and 'Public' Administration," *Public Administration Review* 44 (March 1984): 112.
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13 Eriko Fukumoto and Barry Bozeman, "Public Values Theory: What's Missing," *American Review of Public Administration* 49, no. 6 (2019): 635–648, at 636.
14 David Rosenbloom, "Beyond Efficiency: Value Frameworks for Public Administration," *Chinese Public Administration Review* 8 (June 2017): 37–46.
15 See Anthony Downs, *Inside Bureaucracy* (Boston: Little, Brown, 1967).
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17 Mark Hrywna, "An In-Depth Study of America's Largest Nonprofits," *NonProfitTimes* (2019), www.thenonprofittimes.com/report/npt-top-100-2019-an-in-depth-study-of-americas-largest-nonprofits/ (accessed December 22, 2020)
18 National Council of Nonprofits, www.nonprofitimpactmatters.org/site/assets/files/1015/revenue-sources-nonprofits.png (accessed December 30, 2020)
19 For additional statistics, see Indiana University Center on Philanthropy, *Giving USA 2012* (Glenview, IL: Giving USA Foundation, 2012); Foundation Center, *Foundation Growth and Giving Estimates 2012* (New York: Foundation Center, 2012); and Indiana University Center on Philanthropy, Center on Philanthropy Panel Study (COPPS) 2003 Wave (March 2006), www.philanthropy.iupui.edu/Research/COPPS/Average%20Amounts-Household%20Giving%20&%20Volunteering-2002.pdf.
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21 The public policy cycle is a conceptual tool that views public policy as moving through the following stages: agenda setting (identification of an issue); problem definition; policy formulation; implementation; analysis/evaluation of impact or implementation process; and revision of some sort, including termination and succession.
22 These goals are embodied in the Civil Service Reform Act of 1978 (PL 95-454) and the Federal Advisory Committee Act of 1972 (PL 92-463). See also Katherine Naff, *To Look Like America* (Boulder, CO: Westview Press, 2001).
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24 Woodrow Wilson, "The Study of Administration," *Political Science Quarterly* 56 (December 1941): 494 [originally published in 1887].
25 Ibid., 481.
26 See Luther Gulick and L. Urwick, Eds., *Papers on the Science of Administration* (New York: Institute of Public Administration, 1937), 10, 192. See also Alan Altshuler and Norman Thomas, Eds., *The Politics of the Federal Bureaucracy* (New York: Harper & Row, 1977), 2–17.
27 Leonard D. White, *Introduction to the Study of Public Administration* (New York: Macmillan, 1926), vii–viii. See also Herbert J. Storing, "Leonard D. White and the Study of Public Administration," *Public Administration Review* 25 (March 1965): 38–51.
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30 See Eugene Lewis, *American Politics in a Bureaucratic Age: Citizens, Constituents, Clients, and Victims* (Cambridge, MA: Winthrop, 1977).

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33 Ralph Hummel, *The Bureaucratic Experience*, 3rd ed. (New York: St. Martin's, 1987), 29.
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38 Ibid.
39 Jeffrey M. Jones, "Americans Say Federal Gov't Wastes Over Half of Every Dollar," *Gallup*, September 19, 2011, www.gallup.com/poll/149543/americans-say-federal-gov-wastes-half-every-dollar.aspx.
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44 Ibid., iv.
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52 *Myers v. United States*, 272 U.S. 52, 293 (1926).
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Interesting discussions on public administrative theory can be found on the Public Administration Theory Network's website at www.patheory.org.

The American Society for Public Administration and the National Academy of Public Administration have websites containing information about public administration as a profession, as well as news about and new developments in public administration at www.aspanet.org and www.napawash.org.

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